

**CHEATWOOD DECLARATION – EXHIBIT 1**

1		UNITED STATES DISTRICT COURT	Page 1	Page 3
2		FOR THE		
3		DISTRICT OF MASSACHUSETTS		
4		-----X		
5		ABDUL RAHMAN ALHARBI,		
6		Plaintiff,		
7		Civil Action No:		
8		VS. 14-11550-PBS		
9		GLENN BECK; THE BLAZE, INC.; MERCURY RADIO		
10		ARTS, INC., et al.,		
11		Defendants.		
12		-----X		
13		DEPOSITION OF JOEL CHEATWOOD		
14		Thursday, March 24, 2016		
15		New York, New York		
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19				
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22				
23		Reported By:		
24		LINDA J. GREENSTEIN		
25		JOB NO. 326058		
1		March 24, 2016	Page 2	Page 4
2		10:07 A.M.		
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4				
5				
6				
7		Deposition of JOEL CHEATWOOD,		
8		taken by Plaintiff, pursuant to Subpoena,		
9		held at Nelson, Mullins, Riley &		
10		Scarborough, L.L.P., 415 Madison Avenue,		
11		New York, New York, before Linda J.		
12		Greenstein, a Certified Shorthand Reporter		
13		and Notary Public of the State of New York.		
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1		APPEARANCES:		
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3				
4		4 NELSON, MULLINS, RILEY & SCARBOROUGH,		
5		L.L.P.		
6		5 Attorneys for Plaintiff		
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8		30th Floor		
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10				
11		BY: PETER J. HALEY, ESQ.		
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20		14 BY: MICHAEL J. GRYGIEL, ESQ.		
21		518.689.1406		
22		15 grygiel@gtlaw.com		
23		16		
24		17		
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2		20		
3		21		
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7		25		
1		JOEL CHEATWOOD,		
2		2 having been first duly sworn, was examined		
3		3 and testified as follows:		
4		4 MR. GRYGIEL: Peter, on the		
5		5 record, the usual stipulations?		
6		6 MR. HALEY: Yes. If we could		
7		7 agree to to waive the sealing and the		
8		8 filing of the deposition to the extent		
9		9 that's required, and reserve all objections		
10		10 except as to the form of the question until		
11		11 the time of trial, if that's acceptable to		
12		12 counsel?		
13		13 MR. GRYGIEL: Defendants agree.		
14		14 EXAMINATION BY		
15		15 MR. HALEY:		
16		16 Q. Can you state your name, please.		
17		17 A. Joel Cheatwood.		
18		18 Q. And what's your business		
19		19 address, Mr. Cheatwood?		
20		20 A. 381 Park Avenue South; New York,		
21		21 New York.		
22		22 Q. And how are you employed?		
23		23 A. I am a partner at a company		
24		24 called Red Sea Ventures.		
25		25 Q. Are you represented by counsel		

<p>1           JOEL CHEATWOOD</p> <p>2 here today?</p> <p>3   A. Yes.</p> <p>4   Q. And who is that?</p> <p>5   A. Mike Grygiel.</p> <p>6   Q. Do you currently have any</p> <p>7 financial relationship with the defendants</p> <p>8 in this action, TheBlaze or Mercury Radio</p> <p>9 Arts or Premiere Networks?</p> <p>10   A. I do not -- can I make one</p> <p>11 correction to that statement?</p> <p>12   Q. Sure.</p> <p>13   A. Our company, Red Sea Ventures,</p> <p>14 does have a relationship with Premiere</p> <p>15 Radio. We represent a couple of their</p> <p>16 clients.</p> <p>17   Q. What does Red Sea Ventures do?</p> <p>18   A. Red Sea Ventures is a company</p> <p>19 that partners with celebrities and content</p> <p>20 creators to form new media companies.</p> <p>21   In addition, we advise existing</p> <p>22 media companies on operation, content</p> <p>23 creation, distribution.</p> <p>24   Q. Where did you graduate from</p> <p>25 college?</p>	<p>Page 5</p> <p>1           JOEL CHEATWOOD</p> <p>2 more stop before that period of time in</p> <p>3 Richmond, Virginia at what was WXEX-TV.</p> <p>4   Q. Did you start out as a reporter?</p> <p>5   A. I started out in newspaper as a</p> <p>6 reporter.</p> <p>7   Q. And with respect to the radio</p> <p>8 and television experience, did your</p> <p>9 position change over time? Did you remain</p> <p>10 a reporter?</p> <p>11   At some point, did you take on a</p> <p>12 management role or take on a supervisory</p> <p>13 role?</p> <p>14   MR. GRYGIEL: Object to the</p> <p>15 form.</p> <p>16   A. I transitioned from a reporter</p> <p>17 into news management.</p> <p>18   Q. Did you have any formal training</p> <p>19 in those jobs or pursue any professional</p> <p>20 certification with respect to your</p> <p>21 experience in journalism?</p> <p>22   MR. GRYGIEL: Same objection.</p> <p>23   A. Through that period of time, I</p> <p>24 attended a number of what I would call</p> <p>25 seminars through RTNDA, which is the Radio</p>	<p>Page 7</p>
<p>1           JOEL CHEATWOOD</p> <p>2   A. I didn't graduate, but attended</p> <p>3 California State University, Fresno.</p> <p>4   Q. What was the last year you</p> <p>5 attended there?</p> <p>6   A. In terms of the actual year?</p> <p>7   Q. Yes.</p> <p>8   A. That would have been 1979, I</p> <p>9 believe.</p> <p>10   Q. And in 1989, you were employed</p> <p>11 by WSVN Miami; is that correct?</p> <p>12   A. That's correct.</p> <p>13   Q. And between 1979 and 1989, were</p> <p>14 you employed in the radio, television or</p> <p>15 media area?</p> <p>16   A. Newspaper and television.</p> <p>17   Q. And so between 1979 and 1989,</p> <p>18 where were you employed?</p> <p>19   A. I was employed at one point by</p> <p>20 the Fresno Guide Newspaper while I was</p> <p>21 still attending college. Then, from there,</p> <p>22 I was employed by KFSN-TV in Fresno.</p> <p>23   From there, KPIX-TV in San</p> <p>24 Francisco; from there, back to Fresno at</p> <p>25 KMPH-TV; and then I believe there's one</p>	<p>Page 6</p> <p>1           JOEL CHEATWOOD</p> <p>2 and Television News Directors Association,</p> <p>3 and, of course, in college also studied</p> <p>4 journalism.</p> <p>5   Q. Did you receive any awards or</p> <p>6 -- speaking now of your entire career in</p> <p>7 journalism -- did you receive any awards or</p> <p>8 recognition as a result of your</p> <p>9 professional achievements?</p> <p>10   A. I have received a number of</p> <p>11 regional Emmys for excellence, was</p> <p>12 nominated for a national Emmy.</p> <p>13   I have received recognition</p> <p>14 through industry trades and the like over</p> <p>15 the years.</p> <p>16   Q. When did you first meet Glenn</p> <p>17 Beck?</p> <p>18   A. I met Glenn Beck while I was</p> <p>19 employed at CNN as the director of</p> <p>20 development there, and I believe that would</p> <p>21 have been in 2003, I believe.</p> <p>22   Q. And between 1989 and 2003, your</p> <p>23 employment was at WSVN in Miami, HDH in</p> <p>24 Boston, WMAQ and WCBS here in New York; is</p> <p>25 that correct?</p>	<p>Page 8</p>

<p>1        JOEL CHEATWOOD</p> <p>2    A. Also KYW in Philadelphia.</p> <p>3    Q. When was that, just in relation</p> <p>4   to -- from Miami, you went to Boston; is</p> <p>5   that correct?</p> <p>6    A. From Miami, I went to Boston;</p> <p>7   from Boston to Chicago to WMAQ; from WMAQ</p> <p>8   to KYW in Philadelphia; and then from KYW</p> <p>9   to WCBS, and CBS in general.</p> <p>10   Q. And then following WCBS, you</p> <p>11   were employed by CNN?</p> <p>12   A. That's correct.</p> <p>13   Q. And what was your position there?</p> <p>14   A. I was the executive director of</p> <p>15   development for CNN worldwide.</p> <p>16   Q. What were your duties in</p> <p>17   connection with that position?</p> <p>18   A. My duties included creating new</p> <p>19   programming for the CNN networks, and also</p> <p>20   identifying new talent for the CNN</p> <p>21   networks.</p> <p>22   Q. What was your relationship to</p> <p>23   Mr. Beck at CNN? Did you provide</p> <p>24   supervision or did he report to you, or</p> <p>25   what was the nature of your professional</p>	<p>Page 9</p> <p>1        JOEL CHEATWOOD</p> <p>2    A. That's correct.</p> <p>3    Q. And when was that?</p> <p>4    A. That would have been, let's say</p> <p>5   -- that would have been, I believe, in 2010</p> <p>6   or '11.</p> <p>7    Q. And how long were you with</p> <p>8   TheBlaze?</p> <p>9    A. Four years.</p> <p>10   Q. What was your position there</p> <p>11   when you started?</p> <p>12   A. When I started, I was the</p> <p>13   executive vice president of Mercury Radio</p> <p>14   Arts.</p> <p>15   Q. And at some point, did that</p> <p>16   change?</p> <p>17   A. Yes. I became the president and</p> <p>18   chief content officer at TheBlaze.</p> <p>19   Q. When did that change take place?</p> <p>20   A. That change took place in 2012,</p> <p>21   I believe.</p> <p>22   Q. And as president and chief</p> <p>23   content officer, what were your duties?</p> <p>24   A. I oversaw all content related to</p> <p>25   TheBlaze on all platforms.</p>
<p>1        JOEL CHEATWOOD</p> <p>2   relationship?</p> <p>3        MR. GRYGIEL: Object to the</p> <p>4   form.</p> <p>5    A. I recruited Mr. Beck to CNN to</p> <p>6   do a television show for Headline News, one</p> <p>7   of their networks, and oversaw the show</p> <p>8   during my time there.</p> <p>9    Q. And what did overseeing the show</p> <p>10   involve?</p> <p>11   A. Basically, being the executive</p> <p>12   in charge of production, so I had broad</p> <p>13   oversight working with the executive</p> <p>14   producer and the staff on show direction,</p> <p>15   budgeting. That sort of thing.</p> <p>16   Q. Following CNN, what was your</p> <p>17   next employment?</p> <p>18   A. With the Fox News channel, where</p> <p>19   I was senior vice president of program</p> <p>20   development.</p> <p>21   Q. And did you work with Mr. Beck</p> <p>22   there as well?</p> <p>23   A. I did.</p> <p>24   Q. And at some point, you left Fox</p> <p>25   to go to TheBlaze; is that correct?</p>	<p>Page 10</p> <p>1        JOEL CHEATWOOD</p> <p>2   Q. When you say "oversaw all</p> <p>3   content," what do you mean by that?</p> <p>4   A. Was ultimately responsible for</p> <p>5   content placed on the television show, the</p> <p>6   web, theblaze.com, and the Internet</p> <p>7   streaming radio network.</p> <p>8   Q. And in terms of being</p> <p>9   responsible, what did that involve on a</p> <p>10   day-to-day basis?</p> <p>11   A. It involved overseeing the staff</p> <p>12   that produced the television shows and the</p> <p>13   web content, the radio content on the</p> <p>14   Internet streaming side, and hiring/firing.</p> <p>15   Q. What essentially was the</p> <p>16   business of TheBlaze at that time?</p> <p>17   MR. GRYGIEL: Object to the</p> <p>18   form.</p> <p>19   A. TheBlaze was a multi-platform</p> <p>20   news information network covering, again,</p> <p>21   TV, Internet, radio and digital.</p> <p>22   Q. With respect to Mr. Beck's role</p> <p>23   at TheBlaze, he broadcast a radio program</p> <p>24   and a television program; is that correct?</p> <p>25   A. Yes, he did.</p>

<p>1           JOEL CHEATWOOD</p> <p>2   Q. Were there separate people</p> <p>3 involved in the production of the radio</p> <p>4 program and the television program?</p> <p>5   A. Yes.</p> <p>6   Q. Did you have responsibility for</p> <p>7 both?</p> <p>8   A. I did not have responsibility</p> <p>9 for radio. The radio program fell under</p> <p>10 the Mercury Radio Arts umbrella.</p> <p>11   Q. And with respect to your</p> <p>12 employment at TheBlaze at the time, how</p> <p>13 many people were employed in the operation?</p> <p>14   A. When I arrived, it was 30. When</p> <p>15 I departed, it was close to 200.</p> <p>16   Q. Why did you depart?</p> <p>17   A. I was terminated.</p> <p>18   Q. And what was the reason for your</p> <p>19 termination?</p> <p>20   A. Change in direction that Mr.</p> <p>21 Beck outlined for the company. He wanted</p> <p>22 to change the content focus.</p> <p>23   Q. And was there any dispute</p> <p>24 arising out of your termination, any sort</p> <p>25 of severance agreement, litigation or</p>	<p>Page 13</p> <p>1           JOEL CHEATWOOD</p> <p>2 summary judgement motion or some sort of</p> <p>3 pretrial motion or was there a settlement?</p> <p>4           MR. GRYGIEL: Objection to form.</p> <p>5           You may answer.</p> <p>6   A. To the best of my recollection,</p> <p>7 it was a summary judgement.</p> <p>8   Q. Do you know what the name of the</p> <p>9 case was?</p> <p>10   A. I do not.</p> <p>11   Q. Do you know who the plaintiff</p> <p>12 was?</p> <p>13   A. I do not.</p> <p>14   Q. Do you know what the</p> <p>15 investigative report involved?</p> <p>16   A. Again, to the best of my</p> <p>17 recollection, it involved a towing service</p> <p>18 in the City of Miami that was illegally</p> <p>19 charging people and illegally towing the</p> <p>20 vehicles.</p> <p>21   Q. I represent the plaintiff, Abdul</p> <p>22 Alharbi, in this action.</p> <p>23           Do you have any knowledge about</p> <p>24 Mr. Alharbi's involvement in funding the</p> <p>25 attacks that took place at the Boston</p>	<p>Page 15</p>
<p>1           JOEL CHEATWOOD</p> <p>2 anything else at TheBlaze at the time you</p> <p>3 departed?</p> <p>4           MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6   A. There was a severance agreement.</p> <p>7 No litigation.</p> <p>8   Q. Have you been deposed before?</p> <p>9   A. Yes.</p> <p>10   Q. How many times have you been</p> <p>11 deposed?</p> <p>12   A. One other time.</p> <p>13   Q. When was that?</p> <p>14   A. That would have been Miami,</p> <p>15 probably 1989.</p> <p>16   Q. What was that matter?</p> <p>17   A. That was a suit brought against</p> <p>18 the station based on an investigative</p> <p>19 report the station had done.</p> <p>20   Q. What was the resolution of that</p> <p>21 suit?</p> <p>22   A. The station won.</p> <p>23   Q. Did that go to trial?</p> <p>24   A. No.</p> <p>25   Q. When you say "won," was it a</p>	<p>Page 14</p> <p>1           JOEL CHEATWOOD</p> <p>2 Marathon on April 15, 2013?</p> <p>3           A. I have knowledge based on what</p> <p>4 has been provided to us by -- to TheBlaze</p> <p>5 by their confidential sources.</p> <p>6   Q. Other than that knowledge</p> <p>7 provided to you by confidential sources, do</p> <p>8 you have any other personal knowledge?</p> <p>9   A. The only other personal</p> <p>10 knowledge has come from the corroborating</p> <p>11 reporting that was done by experts in the</p> <p>12 area that we used to, again, bring context</p> <p>13 and perspective to the confidential source</p> <p>14 material.</p> <p>15   Q. And with respect to Mr.</p> <p>16 Alharbi's role, what is it that you believe</p> <p>17 Mr. Alharbi's role to be?</p> <p>18   A. I believe he was the funder and</p> <p>19 perhaps organizer of the Boston bombing.</p> <p>20   Q. What's the basis of your belief</p> <p>21 that he funded the attacks?</p> <p>22   A. It's based on the information</p> <p>23 provided to us by our confidential sources</p> <p>24 who had a direct connection to the Boston</p> <p>25 investigation.</p>	<p>Page 16</p>

<p>1           JOEL CHEATWOOD</p> <p>2   Q. Who are those confidential</p> <p>3   sources?</p> <p>4           MR. GRYGIEL: Objection.</p> <p>5   Q. Just for the record so that</p> <p>6   we're clear, Mr. Grygiel has objected, as</p> <p>7   he has in previous depositions, to the</p> <p>8   question calling for the identification of</p> <p>9   the confidential sources.</p> <p>10          And if you could just affirm for</p> <p>11   me that you don't intend to respond to the</p> <p>12   question based on Mr. Grygiel's objection.</p> <p>13          A. Based on the First Amendment</p> <p>14   right and Mr. Grygiel's objection, I do not</p> <p>15   intend to answer that question.</p> <p>16          Q. Is TheBlaze or Mercury Radio</p> <p>17   Arts paying for your legal fees in this</p> <p>18   action?</p> <p>19          A. Yes.</p> <p>20          Q. I show you a copy of what's</p> <p>21   previously been marked as Exhibit 55 in</p> <p>22   this action -- actually, I'll show you</p> <p>23   Exhibit 55.</p> <p>24          This is a document that was</p> <p>25   produced by the defendants with respect to</p>	<p>Page 17</p> <p>1           JOEL CHEATWOOD</p> <p>2   procedures at TheBlaze? Is this something</p> <p>3   that was referred to or used?</p> <p>4           MR. GRYGIEL: Object to the</p> <p>5   form.</p> <p>6          A. This was used by me in setting</p> <p>7   the policy, as well as Associated Press</p> <p>8   basic guidelines.</p> <p>9          Q. And the document that was used</p> <p>10   presumably would have been whatever the</p> <p>11   version was in 2013; is that correct?</p> <p>12          A. Correct.</p> <p>13          Q. And other than this source, were</p> <p>14   there any other sources or documents that</p> <p>15   you relied upon in reporting in news</p> <p>16   gathering in 2013?</p> <p>17          A. No.</p> <p>18          Q. And with respect to your</p> <p>19   previous employment at CNN or WCBS or any</p> <p>20   of the other news outlets and stations at</p> <p>21   which you were employed, were there written</p> <p>22   policies and procedures that related to</p> <p>23   news gathering and the reporting of</p> <p>24   information?</p> <p>25          A. It varied depending on the</p>
<p>1           JOEL CHEATWOOD</p> <p>2   newsroom policies at TheBlaze in 2013.</p> <p>3          The document is dated</p> <p>4   December 2, 2015 in the bottom right-hand</p> <p>5   corner, and appears to be a printout from</p> <p>6   an Internet source.</p> <p>7          Have you seen this document</p> <p>8   before?</p> <p>9          A. Yes, I have.</p> <p>10         Q. And are you familiar with it?</p> <p>11         A. Yes, I am.</p> <p>12         Q. What is it?</p> <p>13         A. This is a guideline produced by</p> <p>14   the RTDNA -- actually, the Radio Television</p> <p>15   Digital News Association -- that outlines</p> <p>16   the proper use of confidential sources in</p> <p>17   covering the news.</p> <p>18         Q. And during your tenure at</p> <p>19   TheBlaze, did TheBlaze have its own set of</p> <p>20   written policies and procedures that</p> <p>21   related to the reporting of news and</p> <p>22   information?</p> <p>23         A. Not written, no.</p> <p>24         Q. How does this document,</p> <p>25   Exhibit 55, relate to the policies and</p>	<p>Page 18</p> <p>1           JOEL CHEATWOOD</p> <p>2   organization.</p> <p>3          Q. What about at CNN?</p> <p>4         A. There were written standards and</p> <p>5   practices.</p> <p>6          Q. And was there a reason why there</p> <p>7   were not written standards and practices at</p> <p>8   TheBlaze?</p> <p>9         A. The flow of information at</p> <p>10   TheBlaze funneled up through a very narrow</p> <p>11   output -- primarily me -- and I was able to</p> <p>12   really set standards and practices on a</p> <p>13   daily basis.</p> <p>14         Q. Is it fair to say then that you</p> <p>15   were the person who was responsible for</p> <p>16   determining what would be published or</p> <p>17   broadcast or not?</p> <p>18         MR. GRYGIEL: Object to the</p> <p>19   form.</p> <p>20         A. Primarily responsible,</p> <p>21   ultimately responsible.</p> <p>22         Scott Baker, who runs</p> <p>23   theblaze.com, oversaw that operation, but I</p> <p>24   was ultimately responsible.</p> <p>25         Q. And what role did Mr. Beck play</p>

<p>1                   JOEL CHEATWOOD 2 in that? 3           A. Certainly had input. Certainly 4 gave his opinion in terms of news coverage 5 and stories and the like. 6           Ultimately, we made the final 7 decisions. 8           Q. With respect to Exhibit 55, are 9 the statements that are made there 10 statements and policies that you attempted 11 to follow? 12          A. Very consistent with, yes. 13          Q. Directing your attention to page 14 2 of the exhibit, the top of the page there 15 says: "Do you understand your newsroom's 16 policy on confidentiality? Before you 17 promise it to sources, consider a policy 18 that requires you to obtain the consent of 19 your news managers." 20          What was the policy of TheBlaze 21 on the use of confidential sources? 22          A. Had to have my consent. 23          Q. Other than your consent, was 24 there any other requirement? 25          A. Other than following the</p>	<p>Page 21</p> <p>1                   JOEL CHEATWOOD 2 confidential sources, or how did you 3 describe the confidential sources? 4           MR. GRYGIEL: Objection to the 5 extent that the question potentially calls 6 for identification of the confidential 7 sources, so consistent with Mr. Cheatwood's 8 previous objection based on the First 9 Amendment and the Reporter's Privilege, you 10 can answer that question, Joel, to the 11 extent that it doesn't veer into 12 identifying any of the confidential 13 sources. 14          A. We explained that our 15 confidential sources had a direct 16 connection to the ongoing investigation of 17 the Boston bombing, and that they were high 18 level and respectable organizations. 19          Q. Did you say anything -- and 20 speaking now as to what you said publicly 21 -- did you say anything about why the 22 sources could not be named? 23          A. I believe we indicated that it 24 would jeopardize their careers. 25          Q. Did you make any promises to</p>
<p>1                   JOEL CHEATWOOD 2 guidelines that we adhered to, no. 3           Q. When you say "following the 4 guidelines that we adhered to," what do you 5 mean by that? 6           A. Referring to the basic guideline 7 provided here by the RTNDA. 8           Q. On page 1 of Exhibit 55, in the 9 middle of the page, which says under the 10 heading "Fulfill All of the Following Four 11 Criteria and Then Consider Questions Listed 12 Below," it says: 13           "You and your news managers must 14 be willing to publicly describe the source 15 in as detailed a manner as anonymity 16 permits, reveal to the public why the 17 source cannot be named, and what, if any, 18 promises the news organization made in 19 order to get the information." 20           With respect to the sources 21 involved, confidential sources involved in 22 the reporting about the Boston Marathon, 23 did you follow that policy? 24          A. Yes, we did. 25          Q. And how would you describe the</p>	<p>Page 22</p> <p>1                   JOEL CHEATWOOD 2 those sources in order to get the 3 information? 4          A. The only promise made was to 5 preserve their confidentiality. 6          Q. I'll show you what's previously 7 been marked as Exhibit 56, which is an 8 e-mail message from Patrick Poole to 9 Virginia Grace and Joe Weasel. 10         Who is Patrick Poole? 11         A. Patrick Poole is a noted expert 12 in terrorism and Middle East radicals. 13         Q. Is he somebody that you viewed 14 as a credible source? 15         A. Yes. 16         Q. Did you view him as trustworthy? 17         A. Yes. 18         Q. Who is Virginia Grace? 19         A. At the time, she was a producer 20 on Glenn's television program. 21         Q. And how about Joe Weasel? 22         A. Joe Weasel was an investigative 23 producer for TheBlaze. 24         Q. Did Ms. Grace and Mr. Weasel 25 report to you?</p>

<p>1           JOEL CHEATWOOD</p> <p>2   A. Yes.</p> <p>3   Q. And what was the relationship</p> <p>4   between Mr. Poole and TheBlaze?</p> <p>5   A. Used as a -- source used as an</p> <p>6   interview subject on topics that he was</p> <p>7   expert in for both television and radio.</p> <p>8   Q. Did he receive any payment?</p> <p>9   A. I believe that at one point in</p> <p>10   the relationship he was paid as a</p> <p>11   contributor to TheBlaze.</p> <p>12   Q. And what were the amounts of</p> <p>13   those payments?</p> <p>14   A. I don't know.</p> <p>15   Q. You said "at one point in the</p> <p>16   relationship."</p> <p>17       When was that? Do you know?</p> <p>18   A. I don't recall the exact dates.</p> <p>19       I know it was for a fairly short</p> <p>20   period of time.</p> <p>21   Q. Do you know if that was true at</p> <p>22   this time, in April of 2013?</p> <p>23   A. I don't believe it was.</p> <p>24   Q. I show you what's been marked as</p> <p>25   Exhibit 57, which is another e-mail from</p>	<p>Page 25</p> <p>1           JOEL CHEATWOOD</p> <p>2   Q. And with respect to the Boston</p> <p>3   Marathon, is that something that you did,</p> <p>4   carefully studied the information?</p> <p>5   A. Absolutely.</p> <p>6   Q. I show you what's been marked as</p> <p>7   Exhibit 59, which is another e-mail from</p> <p>8   Mr. Poole to Mr. Weasel dated Tuesday,</p> <p>9   April 16th at 4:23 a.m.</p> <p>10       Where did Mr. Poole reside, do</p> <p>11   you know?</p> <p>12   A. I do not.</p> <p>13   Q. Have you ever met Mr. Poole?</p> <p>14   A. Yes.</p> <p>15   Q. And Mr. Poole's e-mail to Mr.</p> <p>16   Weasel says: "Not for circulation. Here's</p> <p>17   the guy they're looking at."</p> <p>18       Do you know who Mr. Poole is</p> <p>19   referring to when he says "they're"?</p> <p>20   A. I do not.</p> <p>21   Q. I show you a copy of what's</p> <p>22   previously been marked as Exhibit 60.</p> <p>23       Have you seen this document</p> <p>24   before?</p> <p>25   A. Yes, I have.</p>
<p>1           JOEL CHEATWOOD</p> <p>2   Mr. Poole.</p> <p>3       In the third line of the e-mail,</p> <p>4   Mr. Poole says: "Having to take all of</p> <p>5   this with a grain of salt and caution."</p> <p>6       Do you know what he was</p> <p>7   referring to there?</p> <p>8   A. I was not included on this</p> <p>9   e-mail. I'm not clear on what he might</p> <p>10   have intended that to mean.</p> <p>11   Q. This was on the day of the</p> <p>12   Marathon bombing.</p> <p>13       In connection with your</p> <p>14   experience as a reporter involved in the</p> <p>15   news industry, is it fair to say that</p> <p>16   immediately following a large event,</p> <p>17   there's oftentimes a large amount of</p> <p>18   information which later proves to be</p> <p>19   inaccurate or not entirely correct?</p> <p>20       MR. GRYGIEL: Objection to the</p> <p>21   form and also it calls for speculation.</p> <p>22       You may answer.</p> <p>23   A. I think in any news event, there</p> <p>24   is an initial flood of information that has</p> <p>25   to be carefully studied and evaluated.</p>	<p>Page 26</p> <p>1           JOEL CHEATWOOD</p> <p>2   Q. When did you first see it?</p> <p>3   A. I believe I saw this for the</p> <p>4   first time on April 24th of 2013.</p> <p>5   Q. Do you know where the document</p> <p>6   came from?</p> <p>7   A. It came to me through Joe</p> <p>8   Weasel.</p> <p>9   Q. Do you know where he got it?</p> <p>10   A. I believe that it was provided</p> <p>11   him by a confidential source.</p> <p>12   Q. Do you know what the document</p> <p>13   is?</p> <p>14   A. I do.</p> <p>15   Q. What is it?</p> <p>16   A. This is a report generated by</p> <p>17   the Joint Terrorism Task Force regarding a</p> <p>18   suspect and an event, the Boston bombing.</p> <p>19   Q. On the lower right-hand side of</p> <p>20   the report on the first three pages of</p> <p>21   Exhibit 60, it states: "This record has</p> <p>22   not yet been approved."</p> <p>23       Did that statement have any</p> <p>24   significance to you?</p> <p>25   A. Yes, it did. In fact, we</p>

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<p>1           JOEL CHEATWOOD</p> <p>2 immediately, upon seeing this, reconnected</p> <p>3 with our primary confidential source and</p> <p>4 asked for an explanation.</p> <p>5       Q. What was the explanation?</p> <p>6       A. The explanation was this was an</p> <p>7 organic document that at some point during</p> <p>8 the course of the day would be</p> <p>9 authenticated in terms of the designation,</p> <p>10 but that throughout the day, it was being</p> <p>11 updated. This was very common.</p> <p>12      Q. And did you ever see any version</p> <p>13 of this record that was authenticated or</p> <p>14 updated?</p> <p>15      A. Yes, I did.</p> <p>16      Q. When did you see that?</p> <p>17      A. On the same day.</p> <p>18      Q. What was that document that you</p> <p>19 saw?</p> <p>20     A. That was, I believe, page 4 of</p> <p>21 this series of documents.</p> <p>22     Q. And so with respect to the</p> <p>23 exhibit then, did page 4, with the Bates</p> <p>24 stamp number of 47613, come to you after</p> <p>25 the first three pages?</p>	<p>1           JOEL CHEATWOOD</p> <p>2 agency in existence, if not all of them.</p> <p>3       Q. Did any of them ever make any</p> <p>4 public response with respect to your</p> <p>5 inquiries?</p> <p>6       A. There were public responses made</p> <p>7 at various times to us, yes.</p> <p>8       Q. And what were those responses?</p> <p>9       A. Typically, they were a variety</p> <p>10 of answers that span the globe from, you</p> <p>11 know: "Mis-ID'd" to "The person doesn't</p> <p>12 exist" to "We made a mistake."</p> <p>13      Q. Did you ever publish any of</p> <p>14 those responses?</p> <p>15      A. We reported them, yes.</p> <p>16     MR. GRYGIEL: Just to be clear,</p> <p>17 who's the "we" in that sentence: "We made</p> <p>18 a mistake"?</p> <p>19       THE WITNESS: The government.</p> <p>20      Q. When you say the government made</p> <p>21 a mistake, what are you referring to?</p> <p>22      A. One of the responses was that</p> <p>23 they had identified Mr. Alharbi mistakenly.</p> <p>24      Q. Did you not view that response</p> <p>25 at credible or accurate?</p>
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<p>1           JOEL CHEATWOOD</p> <p>2       A. They came at the same time.</p> <p>3       Q. Is it your understanding then</p> <p>4 that page 4 represents a further iteration</p> <p>5 of the first three pages?</p> <p>6       MR. GRYGIEL: Object to the</p> <p>7 form. You may answer.</p> <p>8       A. Yes. Again, we went back to our</p> <p>9 primary confidential source asking for an</p> <p>10 explanation, and he indicated that the</p> <p>11 removal of the previous designation, that</p> <p>12 the record had not been approved, indicated</p> <p>13 that it was an approved record.</p> <p>14      Q. Did you ever -- other than</p> <p>15 through your confidential source -- did you</p> <p>16 ever ask anybody from the government</p> <p>17 publicly, either the Joint Terrorism Task</p> <p>18 Force or the Department of Homeland</p> <p>19 Security, the Department of Justice or</p> <p>20 anyone else about this document?</p> <p>21       MR. GRYGIEL: Object to the</p> <p>22 form.</p> <p>23      A. Yes, we did.</p> <p>24       We had multiple sources ask</p> <p>25 virtually every federal law enforcement</p>	<p>1           JOEL CHEATWOOD</p> <p>2       A. We took every response that we</p> <p>3 received and took it back to our</p> <p>4 confidential sources and checked against</p> <p>5 the facts that they had access to.</p> <p>6       Q. How many sources were there,</p> <p>7 when you say "confidential sources"?</p> <p>8       A. There were a variety of sources.</p> <p>9       I would say there were four</p> <p>10 primary confidential sources.</p> <p>11      Q. Were those individuals?</p> <p>12      A. Yes.</p> <p>13      Q. And were they employed by the</p> <p>14 government?</p> <p>15      A. Yes.</p> <p>16     MR. GRYGIEL: You can answer,</p> <p>17 subject to the qualification, implication</p> <p>18 of privilege.</p> <p>19       BY MR. HALEY:</p> <p>20      Q. Were they elected officials?</p> <p>21      A. No, they were not.</p> <p>22      Q. Were they employed by the FBI?</p> <p>23     DIR     MR. GRYGIEL: I instruct you not</p> <p>24 to answer that question based on the</p> <p>25 Reporter's Privilege.</p>

<p style="text-align: right;">Page 33</p> <p>1           JOEL CHEATWOOD 2   A. I'm not answering based on the 3 advice of counsel. 4   Q. At any time, did any of the 5 confidential sources that you're referring 6 to disavow the information that you 7 reported and tell you that Mr. Alharbi was 8 not involved in the Boston Marathon 9 attacks? 10   A. No, they did not. 11   Q. Mr. Cheatwood, I show you a copy 12 of what's been marked as Exhibit 61. 13   Have you seen this document 14 before? 15   A. Yes, I have. 16   Q. And what is it? 17   A. This was a report generated as 18 part of, as I understand it, the event file 19 relating to Mr. Alharbi. 20   Q. Was this a document that was 21 obtained by TheBlaze? 22   A. Yes. 23   Q. And how was it obtained? 24   A. Obtained by Joe Weasel through a 25 confidential source.</p>	<p style="text-align: right;">Page 35</p> <p>1           JOEL CHEATWOOD 2 consultation with our attorney, and we also 3 worked with all of the confidential sources 4 to ensure that we were not in violation. 5   Q. And who was your attorney? 6   A. I don't recall. 7   Q. Was your attorney someone 8 representing TheBlaze? 9   A. Yes. 10   Q. Was there a written opinion or 11 e-mail or anything else confirming that the 12 document was not obtained illegally? 13   A. No. I talked to him on the 14 phone. 15   Q. The person that you talked to on 16 the phone, were they with a law firm in 17 Texas? 18   A. No. It was based in New York, I 19 believe. 20   Q. Somebody that TheBlaze had used 21 before? 22   A. Yes. 23   Q. Were they paid for their 24 services? 25   A. Yes.</p>
<p style="text-align: right;">Page 34</p> <p>1           JOEL CHEATWOOD 2   Q. Did you understand it to be a 3 nonpublic document? 4   A. I was unclear whether or not it 5 was a nonpublic document. I knew it was a 6 law enforcement document. 7   Q. Did you ever take any steps to 8 determine whether or not it was public? 9   A. We took steps to ensure we had 10 not gained it illegally. 11   Q. Why were you concerned about 12 whether you gained it illegally? 13   A. We understood the sensitivity of 14 the information. 15   Q. What do you mean by that? 16   A. We understood the grave nature 17 of the allegation made, and wanted to 18 ensure that we did not violate any laws in 19 securing the information. 20   Q. And did you make that 21 determination? 22   A. We did. 23   Q. How did you make the 24 determination? 25   A. As I recall, we had a</p>	<p style="text-align: right;">Page 36</p> <p>1           JOEL CHEATWOOD 2   Q. Other than that phone call, did 3 they provide other services in connection 4 with the reporting of this story? 5   A. No. 6   Q. And prior to the phone call, did 7 you provide them with copies of this 8 document? 9   A. No, we did not. 10   Q. Did you provide them with any 11 other information or documents relating to 12 your inquiry about whether the information 13 had been obtained illegally? 14   A. A basic description of the 15 documents that we acquired. 16   Q. Was that an oral description or 17 written? 18   A. Oral. 19   Q. Mr. Cheatwood, I show you what's 20 previously been marked as Exhibit 63 in 21 this action, which is an e-mail between Mr. 22 Weasel and somebody whose name has been 23 redacted, with the subject line: "Abdul 24 Rahman Ali Alharbi." 25   Have you seen this document</p>



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1	JOEL CHEATWOOD	JOEL CHEATWOOD
2	before?	Glenn's radio and television.
3	A. I have not.	Q. Do you know why he's using
4	Q. In the e-mail, the first e-mail	██████████?
5	in the chain sent Tuesday, April 16th at	A. I do not.
6	9:33 a.m., Mr. Weasel is asking about	Q. To your knowledge, did he have a
7	"somebody who can track this guy."	Blaze e-mail address?
8	Do you know who he's referring	A. Yes, he did.
9	to there?	Q. Did Mr. Andros report to you?
10	A. I do not.	A. Ultimately, yes.
11	Q. Mr. Cheatwood, I show you a copy	Q. Mr. Cheatwood, I show you an
12	of what's previously been marked as	e-mail that's previously been marked as
13	Exhibit 64 in this action.	Exhibit 66 in this action --
14	This is an e-mail from somebody	MR. GRYGIEL: 65 or 66?
15	with the address █████ to	MR. HALEY: 65, I'm sorry.
16	another group of individuals.	BY MR. HALEY:
17	Have you seen this e-mail or	Q. 65 in this action from Joe
18	e-mails like this before?	Weasel to you dated April 18th at 3:54 p.m.
19	A. No, I haven't.	At the bottom of the e-mail,
20	MR. GRYGIEL: Object to the	there's an e-mail from Nick Jones to Joe
21	form. You may answer.	Weasel.
22	A. I have not.	Who is Nick Jones?
23	Q. Do you know what this is?	A. Nick Jones is a producer/
24	A. I do not.	videographer in Joe weasel's unit.
25	Q. Do you recognize any of the	Q. And he's forwarding a link to a
	Page 38	Page 40
1	JOEL CHEATWOOD	JOEL CHEATWOOD
2	names in the "To" part of the e-mail?	story about Walid Shoebat, and your
3	A. I do.	response to Mr. Weasel is: "I wish we
4	Q. Who is Sara Johnson?	could get this confirmed by someone else."
5	A. Sara Johnson oversaw social	Why were you concerned with
6	media for TheBlaze.	getting the story confirmed with somebody
7	Q. And the text of the e-mail	else?
8	appears to be a transcript of Mr. Beck's	MR. GRYGIEL: Object to the
9	radio program.	form. You may answer.
10	Did you receive copies of	A. We did not consider this
11	transcripts of the radio or television	individual a strong source.
12	program every day?	Q. In the next line of your e-mail
13	MR. GRYGIEL: Object to the	is: "I wonder if Sara has a connection on
14	form.	this."
15	A. No, I did not.	Who is Sara?
16	Q. And the people in the e-mail,	A. I believe I'm referring to Sara
17	the sender is using an AOL address and	Carter, who is a reporter for TheBlaze.
18	there are a number of people using Gmail	Q. Did you ever determine whether
19	addresses.	or not Mr. Alharbi had ties to al Qaeda
20	Did the people that were	terrorists?
21	employed by TheBlaze have their own company	A. We were told by our confidential
22	e-mail?	sources that there was a belief that he had
23	A. Yes, they did.	ties to terrorists, but we were never able
24	Q. And who is Dan Andros?	to get specifics, so we didn't report it.
25	A. Dan Andros is a writer for	Q. And in his response to you, Mr.

<p style="text-align: right;">Page 41</p> <p>1           JOEL CHEATWOOD 2 Weasel writes: "If survives today, he'll 3 give me a paper trail, and then somebody 4 else to -- they will be the best resources. 5            "I was asked to come to" -- and 6 it's redacted there -- "on Wednesday to 7 meet with, so I'll probably go." 8            Was Mr. Weasel asked to go to 9 Washington, D.C.? 10          MR. GRYGIEL: Object to the 11 form. You may answer. 12          A. Yes. 13          Q. And who was he meeting with 14 there? 15          MR. GRYGIEL: Objection. 16          A. Confidential sources. 17          Q. And when he's saying "it 18 survives today," do you know what he's 19 referring to there? 20          A. I do not. 21          Q. Do you personally maintain 22 copies of these e-mail messages that were 23 sent to you at TheBlaze? 24          A. No, I do not retain copies of 25 these.</p>	<p style="text-align: right;">Page 43</p> <p>1           JOEL CHEATWOOD 2 accurate? 3          A. Our confidential sources were 4 telling us definitively otherwise. 5          Q. The last line of the e-mail 6 says: "Federal officials have denied that 7 Alharbi is a suspect or even a person of 8 interest in the Boston bombings." 9          Did you believe those officials 10 were providing statements that were 11 purposely false? 12          A. Yes, I did. 13          Q. What did you believe their 14 motivation was in providing those 15 statements? 16          A. I have no idea. You'd have to 17 ask them. 18          Q. Did you ever ask them? 19          A. We certainly did. 20          Q. And what was their response? 21          A. No response. 22          Q. And the basis of your belief 23 that their statements were false was the 24 information provided to you by your 25 confidential sources?</p>
<p style="text-align: right;">Page 42</p> <p>1           JOEL CHEATWOOD 2          Q. Mr. Cheatwood, I show you a copy 3 of a document that's previously been marked 4 as Exhibit 66 in this action from Jason 5 Howerton to Joe Weasel. 6          Who is Jason Howerton? 7          A. Jason Howerton is a writer for 8 theblaze.com. 9          Q. Did he report directly to you? 10         A. He reported to Scott Baker. 11         Q. In the third-to-last paragraph 12 of the e-mail, Mr. Howerton writes: 13         "It is unclear why federal 14 officials allegedly believed Alharbi was 15 linked to the Boston Marathon attack. 16 Simply being present at the scene could 17 possibly result in such a distinction." 18         Did you believe that that 19 statement was accurate, that Mr. Alharbi 20 may have been linked to the attacks simply 21 because he was present at the scene? 22         MR. GRYGIEL: Object to the 23 form. You may answer. 24         A. No, I did not. 25         Q. Why didn't you believe it to be</p>	<p style="text-align: right;">Page 44</p> <p>1           JOEL CHEATWOOD 2          MR. GRYGIEL: Object to the 3 form. 4          A. Information provided by multiple 5 confidential sources; perspective and 6 context provided by experts in the field. 7          Q. So the multiple confidential 8 sources would be the four people employed 9 by the government that you testified to 10 about previously; correct? 11         A. That's correct. 12         Q. And the experts providing 13 context in the field, who were they? 14         A. There were a variety. 15         Eric Stakelbeck was one who is 16 an expert in terms of Middle East 17 jihadists, has done a great deal of 18 research and authored a couple of books on 19 that. 20         Jason Butrell is a former 21 Army intelligence officer attached to Gavin 22 de Becker security detail that was working 23 for Glenn Beck at the time. 24         Patrick Poole was another -- 25 there were a variety -- Andrew McCarthy,</p>

<p>1           JOEL CHEATWOOD</p> <p>2 former U.S. Attorney who prosecuted the</p> <p>3 first World Trade Center bombing.</p> <p>4           I'm sure I'm leaving several</p> <p>5 out.</p> <p>6           Q. Mr. Poole was one of the experts</p> <p>7 that you relied upon in placing the matter</p> <p>8 in context?</p> <p>9           A. Yes.</p> <p>10           (Exhibit 107 for</p> <p>11 identification, Two-page document, Series</p> <p>12 of e-mail messages, including e-mail dated</p> <p>13 4/19 from Mr. Cheatwood to Mr. Weasel,</p> <p>14 production numbers 35109 through 35110.)</p> <p>15 BY MR. HALEY:</p> <p>16           Q. Mr. Cheatwood, I show you what's</p> <p>17 been marked as Exhibit 107, which is a</p> <p>18 two-page e-mail message bearing the Bates</p> <p>19 stamp numbers 35109 and 35110.</p> <p>20           And on April 19th at 7:39 a.m.,</p> <p>21 you're writing to Mr. Weasel saying:</p> <p>22           " Wonder how our guy fits into</p> <p>23 this."</p> <p>24           Were you referring to Mr.</p> <p>25 Alharbi there?</p>	<p>Page 45</p> <p>1           JOEL CHEATWOOD</p> <p>2 with respect to "Sara"?</p> <p>3           A. I believe, again, that's Sara</p> <p>4 Carter.</p> <p>5           Q. And at the top, your final</p> <p>6 response to Mr. Weasel:</p> <p>7           " Worth asking Patrick to help."</p> <p>8           That was Mr. Poole?</p> <p>9           A. That's correct.</p> <p>10           Q. And when you say "worth asking,"</p> <p>11 was there some cost to asking Mr. Poole to</p> <p>12 help?</p> <p>13           A. Not at all.</p> <p>14           It was a reference to just</p> <p>15 whether this would fall into his area of</p> <p>16 expertise. And, again, I was reminded that</p> <p>17 our government actually goes to him to</p> <p>18 consult on terror cells and connections and</p> <p>19 the like, so I think we did, in fact, pose</p> <p>20 the question.</p> <p>21           Q. Mr. Cheatwood, I show you a copy</p> <p>22 of what's been marked as Exhibit 67.</p> <p>23           And this is an e-mail from, at</p> <p>24 the top, from Eric Stakelbeck to Joe</p> <p>25 Weasel, and was this the Eric Stakelbeck</p>
<p>1           JOEL CHEATWOOD</p> <p>2           A. Yes.</p> <p>3           MR. GRYGIEL: Take your time and</p> <p>4 read the whole document so you have the</p> <p>5 full context before you answer.</p> <p>6 BY MR. HALEY:</p> <p>7           Q. And this is in response to a</p> <p>8 story about three Pakistanis arrested in</p> <p>9 Watertown, Mass in connection to the Times</p> <p>10 Square bombing; is that correct?</p> <p>11           A. Yes.</p> <p>12           Q. And Mr. Weasel replies:</p> <p>13           "Same age student. Probably</p> <p>14 knew each other."</p> <p>15           Did you ever make any</p> <p>16 determination about whether Mr. Alharbi</p> <p>17 knew any of the three Pakistanis who were</p> <p>18 arrested in connection to the Times Square</p> <p>19 bombing?</p> <p>20           A. We did not.</p> <p>21           Q. And your response to Mr. Weasel</p> <p>22 at 8:17 a.m. is:</p> <p>23           "Can we get Sara and others to</p> <p>24 start looking for possible connections?"</p> <p>25           Who are you referring to there</p>	<p>Page 46</p> <p>1           JOEL CHEATWOOD</p> <p>2 that you referred to earlier?</p> <p>3           A. Yes.</p> <p>4           Q. And you're writing to Mr.</p> <p>5 Stakelbeck in the middle of the page there</p> <p>6 at 3:47 p.m.</p> <p>7           Your question to him is:</p> <p>8           " Do you have any knowledge of</p> <p>9 the Saudi national's (Al Harby) family or</p> <p>10 clan connection in Saudi? I know Walid</p> <p>11 Shoebat has published, but I'd like to have</p> <p>12 another source before we go with it."</p> <p>13           Did you ever make any</p> <p>14 determinations about Mr. Alharbi's family</p> <p>15 or clan connections?</p> <p>16           A. We did not reach any definitive</p> <p>17 conclusions that we felt comfortable going</p> <p>18 forward with.</p> <p>19           Q. And Mr. Stackelback's response</p> <p>20 to you says: "I was just talking to</p> <p>21 Emerson about this."</p> <p>22           Do you know who he's referring</p> <p>23 to there?</p> <p>24           A. I believe he's referring to</p> <p>25 Steve Emerson.</p>

1           JOEL CHEATWOOD 2       Q. Who is that? 3       A. Another noted authority on 4     terrorism and Middle East radicals. 5           (Exhibit 108 for 6     identification, E-mail from Ms. Grace to 7     Mr. Culligan, production numbers 35124.) 8   BY MR. HALEY: 9       Q. Mr. Cheatwood, I show you a copy 10   of what's been marked as Exhibit 108, which 11   is an e-mail message, Bates stamp number 12   35124. 13       Have you seen this before? 14       A. No, I have not. 15       Q. Do you know who Thomas Culligan 16   is? 17       A. I do not. 18       Q. And did Virginia Grace report to 19   you? 20       A. Ultimately, yes. 21       Q. And in her message to Mr. 22   Culligan, she's asking about Visa 23   revocation and deportation of Mr. Alharbi, 24   and it says: "I am under a deadline of 25   3 p.m. today so any response would be	Page 49	1           JOEL CHEATWOOD 2     program. The next took place typically 2, 3     2:30 in the afternoon. 4       Q. Was that in person or a 5     conference call? 6       A. Since the staff was split 7     between New York and Dallas, it was some in 8     person; some via conference call or Skype. 9       Q. Did Mr. Beck participate in 10   those meetings? 11       A. Yes. 12       Q. And who led those meetings? 13       A. Typically, he and I led the 14   meetings, especially in the morning. 15           In the afternoon, typically his 16   show producer led the afternoon meeting to 17   update the television show. 18       Q. And who was that? 19       A. Tiffany Siegel. 20       Q. What took place at the meetings? 21       A. In the morning meeting, there 22   was a basic discussion of current events 23   that had occurred either the previous day 24   or overnight or expected to occur that day. 25           Stories that had been planned,	Page 51
1           JOEL CHEATWOOD 2     greatly appreciated." 3           Was that a deadline for the 4     production of the television program? 5       A. I really can't speak to what she 6     was meaning here. I don't believe that was 7     the deadline for the TV program. 8       Q. To your knowledge, what was the 9     regular deadline for the TV program? 10       A. It varied depending on whether 11   the show was live or on tape. Live 12   programs, really, work was being unraveled 13   until the 5 o'clock air date. 14       Q. Was there a particular procedure 15   or format that you followed with respect to 16   the broadcast? 17       Did you meet as a group 18   regularly or how did that work? 19       MR. GRYGIEL: Object to the 20   form. 21       A. Yes. There were two editorial 22   meetings per day. 23       Q. When did those take place? 24       A. One took place early in the 25   morning prior to Glenn Beck's radio	Page 50	1           JOEL CHEATWOOD 2     reevaluated, reassessed, and a basic 3     outline of what the television show would 4     be that evening. 5       Q. And what took place in the 6     afternoon meeting? 7       A. In the afternoon was an update 8     on where stories stood, what had changed, 9     what had been added or subtracted, guests 10   that might have been added or subtracted. 11       Q. How did the radio program and 12   the television program differ? 13       A. Radio program was a different 14   production team. They typically held their 15   own production meeting in addition to the 16   morning one where everyone attended, and 17   they crafted the radio program with Glenn. 18       Q. Did you participate in that at 19   all? 20       A. Only to the extent that I was in 21   the morning meeting where everyone 22   attended. 23       Q. And with respect to the 24   television program, was it scripted in 25   advance?	Page 52

<p style="text-align: right;">Page 53</p> <p>1           JOEL CHEATWOOD 2   A. Yes. 3   Q. And did somebody have authority 4 to approve those scripts? 5   A. Usually the show producer, 6 Tiffany Siegel, would approve the scripts. 7 Glenn Beck, of course, had the final 8 approval. 9   Q. Did you have any role in their 10 approval? 11   A. If there was any question or any 12 sort of decision to be made as to whether 13 or not we wanted something, I would be 14 involved in that, yes. 15   Q. And with respect to the radio 16 program, was that scripted as well? 17   A. I would say not scripted. 18 Outlined more than scripted. 19   Occasionally, there were 20 monologues that were scripted, but 21 typically outlined. 22   Q. Mr. Cheatwood, I show you a copy 23 of what's previously marked as Exhibit 68, 24 which is transcripts from the Glenn Beck 25 radio program, and direct your attention to</p>	<p style="text-align: right;">Page 55</p> <p>1           JOEL CHEATWOOD 2 Alharbi was? 3           MR. GRYGIEL: Object to the 4 form. 5   A. I don't know why he did not want 6 to name Mr. Alharbi at that point. 7   Q. And on the next page of the 8 exhibit, page 20, Mr. Beck asks Mr. Sexton: 9           "Do you believe that he was 10 there just by happenstance? Is that very 11 likely?" 12           And Mr. Sexton answers: 13           "Glenn, I don't know." 14           Did you have any information on 15 April 19th that Mr. Alharbi was not there 16 just by happenstance? 17           MR. GRYGIEL: Objection. 18   A. We did not. 19   Q. If I could direct your attention 20 to page 28 of the transcript -- 21   A. Excuse me, could I ask you to go 22 back and ask the previous question again? 23           I just want to make sure I 24 answered that correctly. 25           MR. HALEY: The easiest way to</p>
<p style="text-align: right;">Page 54</p> <p>1           JOEL CHEATWOOD 2 page Bates stamp numbered 889 on the bottom 3 right-hand corner, which is page 19 of the 4 transcript. 5           Mr. Beck, on page 19, is talking 6 to Buck Sexton. Who is Buck Sexton? 7   A. Buck Sexton is an employee of 8 TheBlaze who is a former CIA analyst and 9 former New York PD Antiterrorism Task Force 10 employee. 11   Q. And did you believe Mr. Sexton 12 was a credible person? 13   A. Yes. 14   Q. And did you think his 15 information was trustworthy and accurate? 16   A. Yes. 17   Q. At the top of page 19, Mr. Beck 18 is saying: "Without getting into details 19 of who this guy is yet, can you tell me, do 20 you believe this was a coincidence that he 21 happened to be standing there, right there 22 by the bomb? Was he possibly the control?" 23           Was there some reason why on 24 April 19th, to your knowledge, Mr. Beck 25 didn't want to get into details of who Mr.</p>	<p style="text-align: right;">Page 56</p> <p>1           JOEL CHEATWOOD 2 do that is have her read it back. 3           I'll have her read the question 4 and your answer, and then if you want to 5 provide more testimony or a correction, 6 you're welcome to. 7           (Requested portion of record 8 read.) 9   A. Can you rephrase that question? 10           MR. GRYGIEL: I think the 11 double-negatives are confusing. 12   A. I want to make sure I'm 13 understanding the meaning of the question. 14   Q. Sure. So my question is this: 15           Mr. Sexton, in response to Mr. 16 Beck's questions about whether, you know, 17 Mr. Sexton believes that Mr. Alharbi was 18 there just by chance or happenstance, Mr. 19 Sexton says: "I don't know." 20           And my question to you was: 21           Did you have any information 22 that Mr. Alharbi was not there just by 23 happenstance? 24           In other words, that he was 25 there purposely -- at that point,</p>

<p>1           JOEL CHEATWOOD</p> <p>2 April 19th -- that he was there purposely</p> <p>3 to undertake some criminal or terrorist</p> <p>4 act?</p> <p>5           MR. GRYGIEL: Objection to the</p> <p>6 form.</p> <p>7           A. We had, through confidential</p> <p>8 sources, information that linked Mr.</p> <p>9 Alharbi to the crime. So, yes, we believe</p> <p>10 that he was there as a part of the crime</p> <p>11 that was committed.</p> <p>12          Q. And was there a reason then why</p> <p>13 Mr. Beck wasn't speaking about that on the</p> <p>14 April 19th? Were you trying to get more</p> <p>15 verification or information?</p> <p>16          A. I can't speak to exactly why he</p> <p>17 was not identifying Mr. Alharbi on this</p> <p>18 date. I just don't recall.</p> <p>19          Q. And on page 28 of Exhibit 68,</p> <p>20 following along in the transcript on</p> <p>21 April 19th, Mr. Beck, starting on line 5,</p> <p>22 says: "But when I found yesterday who that</p> <p>23 guy is and what we have on him and how our</p> <p>24 media was rooting for an American to be the</p> <p>25 killer; and how our president, this</p>	<p>Page 57</p> <p>1           JOEL CHEATWOOD</p> <p>2 Boston bombing.</p> <p>3          Q. And it was your belief that the</p> <p>4 Department of Homeland Security and the</p> <p>5 Administration was covering up that</p> <p>6 involvement?</p> <p>7          A. Based on the information</p> <p>8 provided by our confidential sources, it</p> <p>9 was clear that they were not being</p> <p>10 forthcoming.</p> <p>11          Q. And did you understand why they</p> <p>12 weren't being forthcoming?</p> <p>13          A. I did not.</p> <p>14          Q. Directing your attention to the</p> <p>15 next page of the transcript, on page 29,</p> <p>16 Mr. Steve Emerson is speaking, and Mr.</p> <p>17 Emerson was an expert that you relied upon;</p> <p>18 is that correct?</p> <p>19          A. That's correct.</p> <p>20          Q. And Mr. Emerson, in referring to</p> <p>21 Secretary Janet Napolitano, says:</p> <p>22           "Janet Napolitano" -- the next</p> <p>23 day -- "yesterday morning, denied any</p> <p>24 knowledge of this," referring to Mr.</p> <p>25 Alharbi's alleged violation of his Visa.</p>	<p>Page 59</p>
<p>1           JOEL CHEATWOOD</p> <p>2 Administration, the Department of Homeland</p> <p>3 Security and everything else, how they have</p> <p>4 covered this up, how they have aided and</p> <p>5 abetted this guy is obscene and it's</p> <p>6 criminal," what information did you have,</p> <p>7 Mr. Cheatwood, that the Department of</p> <p>8 Homeland Security, President Obama or the</p> <p>9 Administration was covering up Mr.</p> <p>10 Alharbi's involvement in the Boston</p> <p>11 Marathon attacks?</p> <p>12          MR. GRYGIEL: Object to the</p> <p>13 form. It also might be helpful to read the</p> <p>14 preceding part of this, Joel, so you get</p> <p>15 the full context.</p> <p>16          A. Okay. Can you repeat the</p> <p>17 question, please.</p> <p>18           (Requested portion of record</p> <p>19 read.)</p> <p>20          MR. GRYGIEL: Object to the</p> <p>21 form.</p> <p>22          A. At this point, we had</p> <p>23 information from our confidential sources</p> <p>24 as to Mr. Alharbi's involvement, and</p> <p>25 evidence that he was connected to the</p>	<p>Page 58</p> <p>1           JOEL CHEATWOOD</p> <p>2 And Mr. Beck says: "She lied."</p> <p>3          Did you have any knowledge that</p> <p>4 Secretary Napolitano was lying when she</p> <p>5 denied Mr. Alharbi's involvement?</p> <p>6          MR. GRYGIEL: Object to the form</p> <p>7 of the question.</p> <p>8          A. Based on the information that</p> <p>9 was provided to us by our confidential</p> <p>10 sources, it was clear that her statements</p> <p>11 were certainly not congruent with the</p> <p>12 evidence that was in existence.</p> <p>13          Q. And at the bottom of the page,</p> <p>14 Mr. Beck states: "Steve, I can, because we</p> <p>15 have six Congressmen follow, go into things</p> <p>16 that we can't go into, and they looked at</p> <p>17 documents."</p> <p>18          Do you know what documents Mr.</p> <p>19 Beck is referring to there?</p> <p>20          A. My understanding was the</p> <p>21 Congressmen that he's referring to had the</p> <p>22 same documents that we had acquired.</p> <p>23          Q. And those were the documents</p> <p>24 that we previously reviewed, Document 60</p> <p>25 and 61; is that correct?</p>	<p>Page 60</p>

<p>1           JOEL CHEATWOOD</p> <p>2   A. At least those. We don't know</p> <p>3 if they had -- they've had more than we</p> <p>4 had. I'm not sure.</p> <p>5   Q. With respect to the documents</p> <p>6 that you had, however, those documents were</p> <p>7 confined to Exhibits 60 and 61; is that</p> <p>8 correct?</p> <p>9    MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11   A. I believe so, yes.</p> <p>12   Q. Were the Congressmen themselves</p> <p>13 your confidential sources?</p> <p>14    MR. GRYGIEL: Objection.</p> <p>15   A. I can't answer on advice of</p> <p>16 counsel.</p> <p>17    MR. GRYGIEL: And on the basis</p> <p>18 of the First Amendment Reporter's Privilege</p> <p>19 that you're independently asserting, apart</p> <p>20 from my advice.</p> <p>21   A. It was also based on the First</p> <p>22 Amendment Reporter Privilege.</p> <p>23   Q. Mr. Cheatwood, I'll direct your</p> <p>24 attention to page 45 of the transcript of</p> <p>25 April 19th, which has the Bates stamp</p>	<p>Page 61</p> <p>1           JOEL CHEATWOOD</p> <p>2 news story, there is information that does,</p> <p>3 in fact, turn out to be either out of</p> <p>4 context or inaccurate.</p> <p>5   Q. Directing your attention to page</p> <p>6 48 of the transcript, Bates stamp number</p> <p>7 918, and there, Mr. Beck states:</p> <p>8       "While we have six Congressmen</p> <p>9 yesterday afternoon that verified that the</p> <p>10 event, which is basically the name of a</p> <p>11 file that was opened, says that he was</p> <p>12 being deported on terrorism charges, and</p> <p>13 then I believe it was either a dash or a</p> <p>14 hash, and it said 'Boston Marathon</p> <p>15 bombing,' so he was related to this somehow</p> <p>16 or another, but how? Do you have any idea</p> <p>17 on any speculation there?"</p> <p>18       And at that point, Mr. Poole</p> <p>19 states:</p> <p>20       "At this point, we don't know</p> <p>21 how he might be related."</p> <p>22       Was that statement accurate as</p> <p>23 of April 19th, Mr. Cheatwood, that at that</p> <p>24 point, neither Mr. Poole or anyone else at</p> <p>25 TheBlaze knew how Mr. Alharbi might be</p>
<p>1           JOEL CHEATWOOD</p> <p>2 number 915 in the bottom right-hand corner.</p> <p>3       Mr. Beck is speaking to Patrick</p> <p>4 Poole about the events involving the</p> <p>5 Tsaernaev brothers and the Boston Marathon</p> <p>6 investigation, and Mr. Poole, on line 19,</p> <p>7 says: "And we have to implement the</p> <p>8 75 percent rule. You know, 75 percent of</p> <p>9 what we hear just will probably end up</p> <p>10 being wrong."</p> <p>11       Was that a statement that you</p> <p>12 agreed with, Mr. Cheatwood?</p> <p>13       MR. GRYGIEL: Object to the</p> <p>14 form, and object to the context in which</p> <p>15 the question is presented.</p> <p>16   A. I have no understanding of how</p> <p>17 he bases that opinion. I couldn't comment</p> <p>18 on that opinion.</p> <p>19   Q. Would you agree, though, that in</p> <p>20 the immediate aftermath of an event,</p> <p>21 oftentimes there is a lot of information</p> <p>22 that turns out to be inaccurate?</p> <p>23       MR. GRYGIEL: Object to the</p> <p>24 form.</p> <p>25   A. I think with any news event or</p>	<p>Page 62</p> <p>1           JOEL CHEATWOOD</p> <p>2 related to the Boston Marathon attacks?</p> <p>3       MR. GRYGIEL: Object to the</p> <p>4 form, and also there's been no foundation</p> <p>5 that Mr. Poole was in the employment of</p> <p>6 TheBlaze at the time this statement was</p> <p>7 made, unless there's no basis for</p> <p>8 attributing or ascribing his statement to</p> <p>9 any defendant in this case.</p> <p>10   BY MR. HALEY:</p> <p>11   Q. Mr. Poole was a source that</p> <p>12 TheBlaze relied on; correct?</p> <p>13   A. Yes.</p> <p>14   Q. And you testified earlier that</p> <p>15 he was a reliable and trustworthy source;</p> <p>16 is that correct?</p> <p>17   A. Yes.</p> <p>18   Q. And Mr. Poole is saying -- and</p> <p>19 he's using the word "we" -- "At this point,</p> <p>20 we don't know how he might be related," and</p> <p>21 "he" is referring to Mr. Alharbi.</p> <p>22       Did you believe that statement</p> <p>23 was inaccurate?</p> <p>24       MR. GRYGIEL: Object to the</p> <p>25 form.</p>

<p>1           JOEL CHEATWOOD</p> <p>2   A. I can't speak to what Mr. Poole</p> <p>3 and what information he was basing that on.</p> <p>4   I do know that Mr. Poole did not</p> <p>5 have access to the confidential sources</p> <p>6 that we were drawing our information from.</p> <p>7   Q. And who had access to those</p> <p>8 sources?</p> <p>9   A. Joe Weasel had direct contact</p> <p>10 with those sources.</p> <p>11   Q. Did you ever have any direct</p> <p>12 contact with those sources?</p> <p>13   A. I had direct contact with one.</p> <p>14   Q. Other than you and Mr. Weasel,</p> <p>15 who had contact with the sources?</p> <p>16   A. In terms of TheBlaze, that was</p> <p>17 it.</p> <p>18   Q. And what about not in terms of</p> <p>19 TheBlaze?</p> <p>20   A. I can't answer who they had</p> <p>21 contact with. I have no idea.</p> <p>22   Q. On page 51 of the transcript,</p> <p>23 Bates stamp number 921, Mr. Beck --</p> <p>24 continuing a discussion with Mr. Poole --</p> <p>25 states:</p>	<p>Page 65</p> <p>1           JOEL CHEATWOOD</p> <p>2 organizations."</p> <p>3   Do you know what he's referring</p> <p>4 to there?</p> <p>5   A. We shared the basic facts of the</p> <p>6 story with other news organizations and</p> <p>7 offered to really allow them to conduct</p> <p>8 their own investigation/reporting.</p> <p>9   Q. And what organizations were</p> <p>10 those?</p> <p>11   A. I know specifically Fox News.</p> <p>12 I had conversations with the</p> <p>13 Wall Street Journal.</p> <p>14   Q. Anyone else?</p> <p>15   A. Let's see -- and I believe ABC</p> <p>16 News.</p> <p>17   Q. Did you have conversations with</p> <p>18 anyone at ABC News?</p> <p>19   A. I did not.</p> <p>20   Q. How about Fox News?</p> <p>21   A. I did not have a direct</p> <p>22 conversation.</p> <p>23   Q. Who did you speak to at the Wall</p> <p>24 Street Journal?</p> <p>25   A. I don't recall the name. I</p>
<p>1           JOEL CHEATWOOD</p> <p>2   "There are very good people" --</p> <p>3 this is line 19 -- "There are very good</p> <p>4 people that have risked more than their job</p> <p>5 to give TheBlaze and others now this</p> <p>6 information.</p> <p>7   "TheBlaze is the one that is</p> <p>8 reporting all of it because we have all of</p> <p>9 it, but we have shared it with other media</p> <p>10 organizations."</p> <p>11   Do you know what Mr. Beck is</p> <p>12 referring to there, that people had risked</p> <p>13 more than their job to give TheBlaze</p> <p>14 information?</p> <p>15   MR. GRYGIEL: Object to the</p> <p>16 form.</p> <p>17   A. We believe that the confidential</p> <p>18 sources were risking their careers in</p> <p>19 providing that information.</p> <p>20   Q. And why was that?</p> <p>21   A. Clearly this was information</p> <p>22 that the government did not want made</p> <p>23 public.</p> <p>24   Q. And Mr. Beck states: "But we</p> <p>25 have shared it with other media</p>	<p>Page 66</p> <p>1           JOEL CHEATWOOD</p> <p>2 didn't know the person well. It was one of</p> <p>3 their editorial board.</p> <p>4   Q. Did Fox News, the Wall Street</p> <p>5 Journal or ABC News pursue the story?</p> <p>6   A. I don't know.</p> <p>7   Q. Were you aware of any other</p> <p>8 media source such as Fox, the Wall Street</p> <p>9 Journal or ABC that reported that Mr.</p> <p>10 Alharbi funded the Boston Marathon attacks?</p> <p>11   MR. GRYGIEL: Object to the</p> <p>12 form.</p> <p>13   A. I am not aware that they did.</p> <p>14   Q. And what was the motivation in</p> <p>15 speaking to other media organizations?</p> <p>16   A. We felt the story was of the</p> <p>17 importance that it was -- we shouldn't be</p> <p>18 the exclusive reporter of the story.</p> <p>19   We were more than willing to</p> <p>20 share facts and information in order to get</p> <p>21 the message out to a broader audience.</p> <p>22   Q. And was that simply an</p> <p>23 altruistic public good motivation?</p> <p>24   MR. GRYGIEL: Object to the</p> <p>25 form.</p>

<p>1           JOEL CHEATWOOD</p> <p>2   A. Yes.</p> <p>3   Q. And would the reporting by other</p> <p>4 media or news organization also lend some</p> <p>5 additional credibility to your reporting?</p> <p>6   MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8   A. We weren't concerned about</p> <p>9 credibility based on the information and</p> <p>10 the quality of information being provided</p> <p>11 by multiple confidential sources.</p> <p>12   We just felt a broader</p> <p>13 distribution would be meaningful to the</p> <p>14 public.</p> <p>15   Q. Do you have any role in the</p> <p>16 business side of TheBlaze?</p> <p>17   A. Not really, no.</p> <p>18   Q. When you say "not really," did</p> <p>19 you have any role?</p> <p>20   A. I was kept apprised. Did not</p> <p>21 make decisions regarding the business side.</p> <p>22   Q. Was your compensation at all</p> <p>23 dependant on business returns of TheBlaze</p> <p>24 or the amount of money that was generated</p> <p>25 through advertising or otherwise?</p>	<p>Page 69</p>	<p>Page 71</p>
<p>1           JOEL CHEATWOOD</p> <p>2   A. No.</p> <p>3   MR. GRYGIEL: We've been going</p> <p>4 for an hour. Why don't we take 5 minutes.</p> <p>5   MR. HALEY: Sure.</p> <p>6   (A recess was taken.)</p> <p>7 BY MR. HALEY:</p> <p>8   A. Can I make one addition to my</p> <p>9 experience, when you were asking about my</p> <p>10 experience in television?</p> <p>11   Q. Yes.</p> <p>12   A. While at WCBS, I also served as</p> <p>13 the executive vice president for news and</p> <p>14 marketing for all the CBS owned and</p> <p>15 operated stations.</p> <p>16   Q. With respect to CBS's</p> <p>17 operations, do they have written policies</p> <p>18 and procedures that govern their reporting?</p> <p>19   A. To the best of my recollection,</p> <p>20 we did not have a written policy that was</p> <p>21 standard at the station.</p> <p>22   Q. How was it that CBS made a</p> <p>23 determination as to what to air or</p> <p>24 broadcast or not?</p> <p>25   A. Typically relied on the</p>	<p>Page 70</p>	<p>Page 72</p>
<p>1           JOEL CHEATWOOD</p> <p>2   MR. GRYGIEL: Object to the</p> <p>3 form.</p> <p>4   A. Yes.</p> <p>5   Q. And one of the reasons for that</p> <p>6 is that publishing information that's false</p> <p>7 or inaccurate can have a very adverse</p> <p>8 effect on, one, misleading the public; and</p> <p>9 two, can have a demonstrated unfairness to</p> <p>10 the people who are being reported about?</p> <p>11   MR. GRYGIEL: Object to the</p> <p>12 form. That's a sermon, Peter. Not a</p> <p>13 question.</p> <p>14   A. That certainly can be an</p> <p>15 eventuality.</p> <p>16   The other aspect of the</p> <p>17 situation with a station group is you have</p> <p>18 multiple managers involved in the process,</p> <p>19 so it's important that they know</p> <p>20 individually what the process is.</p> <p>21   At TheBlaze, again, I was the</p> <p>22 sort of conduit to everything.</p> <p>23   Q. During your tenure at TheBlaze,</p> <p>24 did Mr. Beck ever publish anything or</p> <p>25 broadcast or say anything publicly on the</p>	<p>Page 72</p>	<p>Page 72</p>

<p>1        JOEL CHEATWOOD</p> <p>2 air that you disagreed with or you thought</p> <p>3 was inconsistent with the policies and</p> <p>4 procedures that you were in charge of</p> <p>5 enforcing?</p> <p>6        MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8        A. I would say Mr. Beck had a</p> <p>9 three-hour opinion-based radio show.</p> <p>10        In terms of what I dealt with at</p> <p>11 TheBlaze, no.</p> <p>12        Q. Was the radio show, was it also</p> <p>13 broadcast? Was it also televised?</p> <p>14        A. Yes, simulcast.</p> <p>15        Q. If I could direct your attention</p> <p>16 to page 66 of Exhibit 68, Bates stamp</p> <p>17 number 936, continues with the transcript</p> <p>18 of April 19th.</p> <p>19        There, Mr. Beck, starting on</p> <p>20 line 11, states: "I have asked my staff</p> <p>21 over and over and over again, and my senior</p> <p>22 staff, Joel Cheatwood, has been in my</p> <p>23 office about how many times, I don't even</p> <p>24 know, ten in the last 24 hours for this</p> <p>25 question: 'Are you sure?' 'Have you</p>	<p>Page 73</p> <p>1        JOEL CHEATWOOD</p> <p>2 potential new evidence presented itself, we</p> <p>3 went back to them hundreds of times.</p> <p>4        Q. And the multiple sources that</p> <p>5 you had were the four confidential sources?</p> <p>6        A. Those were the primary</p> <p>7 confidential sources, yes.</p> <p>8        Q. When you say "we went back to</p> <p>9 them hundreds of times," who are you</p> <p>10 referring to when you say "we"?</p> <p>11        A. Joe Weasel at my direction.</p> <p>12        Q. And you testified earlier that</p> <p>13 you spoke to one confidential source</p> <p>14 directly.</p> <p>15        How many times did you speak to</p> <p>16 that source?</p> <p>17        A. I believe only one -- I believe</p> <p>18 on two occasions.</p> <p>19        Q. And when was that?</p> <p>20        A. The first occasion would have</p> <p>21 occurred right around, I believe, the 19th.</p> <p>22        Maybe the 18th.</p> <p>23        Q. And when was the second</p> <p>24 occasion?</p> <p>25        A. I believe the second occasion</p>
<p>1        JOEL CHEATWOOD</p> <p>2 double-checked?' 'Have you triple-checked?'</p> <p>3 'Are you sure?"</p> <p>4        In this period of time,</p> <p>5 April 18th to April 19th, were you speaking</p> <p>6 to Mr. Beck a lot about the Alharbi story?</p> <p>7        A. Yes, I was.</p> <p>8        Q. And was Mr. Beck asking you for</p> <p>9 confirmation in terms of, have you</p> <p>10 double-checked or triple-checked?</p> <p>11        A. Absolutely.</p> <p>12        Q. And did you provide that</p> <p>13 information?</p> <p>14        A. Yes, I did.</p> <p>15        Q. With respect to that question,</p> <p>16 have you double-checked or triple-checked,</p> <p>17 is that something that you responded to</p> <p>18 affirmatively?</p> <p>19        A. Yes, I did.</p> <p>20        Q. And with respect to something</p> <p>21 being double-checked or triple-checked,</p> <p>22 that would refer, I assume, to having</p> <p>23 multiple sources?</p> <p>24        A. Multiple sources, and also going</p> <p>25 back to those sources as questions arose as</p>	<p>Page 74</p> <p>1        JOEL CHEATWOOD</p> <p>2 was actually quite a bit later in May. I</p> <p>3 don't recall the exact date.</p> <p>4        Q. Prior to those occasions, did</p> <p>5 you know or had you spoken to that source</p> <p>6 before?</p> <p>7        A. No.</p> <p>8        Q. And since May of 2013, have you</p> <p>9 spoken to the source after that?</p> <p>10        A. Let me go back, if I may.</p> <p>11        I knew of the source. Had not</p> <p>12 personally spoken to them.</p> <p>13        Q. And had you ever met them?</p> <p>14        A. Prior to my conversations, no.</p> <p>15        Q. And were your conversations by</p> <p>16 phone or in person?</p> <p>17        A. One by phone; one in person.</p> <p>18        Q. Which was which, April or May?</p> <p>19        A. April was by phone.</p> <p>20        Q. And in May you met in person?</p> <p>21        A. Yes.</p> <p>22        Q. Where did you meet?</p> <p>23        A. In Washington, D.C.</p> <p>24        Q. What was the purpose of that</p> <p>25 meeting?</p>

Page 77	Page 79
1           JOEL CHEATWOOD	1           JOEL CHEATWOOD
2   A. The --	2   Congressional aide, do you know who that
3           MR. GRYGIEL: Are we talking	3   was?
4   about the April phone call or the May	4           MR. GRYGIEL: Without
5   meeting?	5   identification, if it's a confidential
6           MR. HALEY: The May meeting.	6   source.
7   A. The May meeting was a general	7   A. I can't say for certain that I
8   information meeting on a variety of topics.	8   know who that is.
9   Q. And did the topics include the	9   Q. And going on, Mr. Beck states:
10   information about Mr. Alharbi?	10           "He requested anonymity to
11   A. Yes, I believe it did.	11   protect those who had secretly provided the
12   Q. How long did the phone	12   report, but proceeded to read to us the
13   conversation on April 18th or 19th take?	13   eight-page document which confirmed every
14   A. To the best of my recollection,	14   single detail we reported yesterday and
15   it was a 30 or 40-minute phone call.	15   throughout the day."
16   Q. Was anyone else on the call	16   Do you know what document Mr.
17   besides you and the source?	17   Beck is referring to there?
18   A. No.	18   A. I believe this would have been
19   Q. To your knowledge, other than	19   the document that contained the tech files.
20   you and Mr. Weasel, does anybody else at	20   Q. Which would be the Exhibit 60
21   TheBlaze know the identity of the sources?	21   that we looked at earlier?
22   A. No, I don't believe so.	22   A. Yes.
23   Q. Mr. Beck?	23   Q. Directing your attention to page
24   A. I don't believe so.	24   94 of Exhibit 68, continuing on the
25   Q. Did Mr. Beck ever ask you the	25   April 19th transcript, Mr. Beck is speaking
Page 78	Page 80
1           JOEL CHEATWOOD	1           JOEL CHEATWOOD
2   identity of the sources?	2   to Glen Hall.
3   A. Never asked for their names.	3   Who is Glen Hall?
4   Q. Mr. Cheatwood, if I could direct	4   A. At the time, Glen Hall was the
5   your attention to page 79 of the	5   managing editor of theblaze.com.
6   transcript, bearing the Bates stamp 949.	6   Q. And there, Mr. Beck asks Mr.
7           In there, on line 15, Mr. Beck	7   Hall on page 94, line 10:
8   makes reference to Mr. Alharbi's apartment	8           "Boy, I tell you, Glen, I mean,
9   in Revere, Massachusetts, and then says:	9   you know all about it. Would you find out
10   "It was raided."	10   where his status is and keep us up to speed
11           Do you know whether Mr. Alharbi	11   on if they're trying to move him out of the
12   gave permission for the authorities to	12   country sooner than Tuesday?"
13   search his apartment or they searched it	13   And Mr. Hall responds by saying:
14   without his permission?	14           "We're working on that,
15   A. I believe he was notified that	15   absolutely, Glenn. And you know that early
16   the search was going to take place, and I	16   indications from inside the FBI were that
17   believe he did not try to stop them.	17   they do not consider him to have been
18   Q. On page 81 of the transcript,	18   involved in this activity, but he was a
19   Mr. Beck is testifying about a high-ranking	19   material witness at the very least."
20   Congressional aide "who told us that the	20   Do you believe that that
21   deportation order that we had just reported	21   statement was inaccurate, the FBI's
22   on had just been requested and delivered to	22   statement that they did not believe Mr.
23   his boss." That's on line 15 ending on	23   Alharbi was involved in the activity?
24   line 19.	24           MR. GRYGIEL: Object to the
25   Was the high-ranking	25   form.

<p>1           JOEL CHEATWOOD</p> <p>2   A. Yes, I believe it was</p> <p>3 inaccurate.</p> <p>4   Mr. Hall did not have access to</p> <p>5 the confidential sources that were being</p> <p>6 used by TheBlaze television and was relying</p> <p>7 on FBI information from people who were not</p> <p>8 directly involved with the investigation.</p> <p>9   Q. And is it your belief that the</p> <p>10 FBI people, FBI personnel who were saying</p> <p>11 that Mr. Alharbi was not involved were</p> <p>12 covering something up, or just didn't have</p> <p>13 the same information that you had?</p> <p>14   MR. GRYGIEL: Object to the</p> <p>15 form.</p> <p>16   A. I can't speak for their motives.</p> <p>17   I can only say that based on the</p> <p>18 confidential sources that we had providing</p> <p>19 the information and evidence, they provided</p> <p>20 the statements that the FBI had were not</p> <p>21 accurate.</p> <p>22   Q. And what exactly did the</p> <p>23 confidential sources say about Mr.</p> <p>24 Alharbi's role in funding the attacks?</p> <p>25   A. They believe that Mr. Alharbi</p>	<p>Page 81</p> <p>1           JOEL CHEATWOOD</p> <p>2 matters?</p> <p>3   A. I do not.</p> <p>4   Q. And is it your understanding or</p> <p>5 belief that the government simply chose not</p> <p>6 to prosecute him even though they knew he</p> <p>7 was involved?</p> <p>8   A. I can't speak to the</p> <p>9 government's motivation.</p> <p>10   Q. Mr. Cheatwood, I show you what's</p> <p>11 previously been marked as Exhibit 69 in</p> <p>12 this matter.</p> <p>13   Have you seen this before?</p> <p>14   A. Yes.</p> <p>15   Q. Is this person one of the</p> <p>16 confidential sources?</p> <p>17   A. I don't know.</p> <p>18   Q. Did you ever ask Mr. Weasel</p> <p>19 whether the person in this e-mail was one</p> <p>20 of the confidential sources?</p> <p>21   A. This e-mail was not directed to</p> <p>22 me so I don't know.</p> <p>23   Q. I direct your attention to</p> <p>24 Exhibit Number 70, which is Mr. Weasel</p> <p>25 forwarding this e-mail to you on Saturday,</p>	
<p>1           JOEL CHEATWOOD</p> <p>2 provided funding and probably organization</p> <p>3 to the group that committed the attacks.</p> <p>4   Q. And the basis of that belief was</p> <p>5 what?</p> <p>6   A. The basis of that belief was two</p> <p>7 things, really. The evidence that he did</p> <p>8 not detonate the bombs physically, but that</p> <p>9 he had been designated as a terrorist</p> <p>10 212(3)(B).</p> <p>11   The fact that based on the</p> <p>12 experience of the senior law enforcement</p> <p>13 officials, who were our confidential</p> <p>14 sources, that's how it would have worked,</p> <p>15 and that would have been his involvement in</p> <p>16 the organization.</p> <p>17   Q. And to your knowledge, did any</p> <p>18 of those sources have any information that</p> <p>19 showed a transfer of funds or expenditure</p> <p>20 of funds by Mr. Alharbi for the benefit of</p> <p>21 the terrorists?</p> <p>22   A. I don't know.</p> <p>23   Q. And do you have any</p> <p>24 understanding or belief as to why Mr.</p> <p>25 Alharbi was not prosecuted for those</p>	<p>Page 82</p> <p>1           JOEL CHEATWOOD</p> <p>2 April 20th at 3:55, and he says "From" --</p> <p>3 and that's redacted -- "does this help?"</p> <p>4   So when you received this, did</p> <p>5 you ask him whether or not -- or did you</p> <p>6 have an understanding of whether or not</p> <p>7 this person was one of the confidential</p> <p>8 sources?</p> <p>9   MR. GRYGIEL: Object to the</p> <p>10 form, and which person, Peter, are you</p> <p>11 referring to?</p> <p>12   MR. HALEY: I'm referring to the</p> <p>13 person who sent the e-mail dated Saturday,</p> <p>14 April 20, 2013 at 11:06 a.m.</p> <p>15   MR. GRYGIEL: Okay.</p> <p>16   A. It was my understanding this was</p> <p>17 from a confidential source.</p> <p>18   Q. To your knowledge, did you make</p> <p>19 any response to Mr. Weasel's inquiry:</p> <p>20 "Does this help?"</p> <p>21   A. I don't recall.</p> <p>22   Q. Do you know what he's referring</p> <p>23 to there, in terms of helping?</p> <p>24   A. To the best of my recollection,</p> <p>25 I had requested that Mr. Weasel and his</p>	<p>Page 84</p>

<p>1           JOEL CHEATWOOD</p> <p>2 staff begin a timeline of events as to what</p> <p>3 transpired in the days following the Boston</p> <p>4 bombing, including the various government</p> <p>5 assertions as to what had happened and Mr.</p> <p>6 Alharbi's involvement.</p> <p>7       Q. And is there anything in that</p> <p>8 Saturday, April 20th e-mail at 11:06 a.m.</p> <p>9 that led you to believe that Mr. Alharbi</p> <p>10 played some role in funding the attack?</p> <p>11     A. Let me re-read that.</p> <p>12     Q. Sure.</p> <p>13     A. This e-mail doesn't specifically</p> <p>14 refer to Mr. Alharbi's role.</p> <p>15       That information came from</p> <p>16 direct conversations between Joe Weasel and</p> <p>17 our confidential sources.</p> <p>18       Q. On the line item there,</p> <p>19 April 17th, it states:</p> <p>20       "Officials cleared Alharbi, who</p> <p>21 is reportedly related to al Qaeda Gitmo</p> <p>22 detainees, as a person of interest."</p> <p>23       Did you ever receive any</p> <p>24 information or make any determination that</p> <p>25 Mr. Alharbi was related to al Qaeda</p>	<p>Page 85</p> <p>1           JOEL CHEATWOOD</p> <p>2       A. They reviewed the facts that we</p> <p>3 presented on air.</p> <p>4       Q. For every broadcast?</p> <p>5       A. Not for every broadcast.</p> <p>6       I think when we were introducing</p> <p>7 new facts, we always fact-checked not only</p> <p>8 through our confidential sources, but</p> <p>9 really our experts as well.</p> <p>10     Q. And in the second paragraph</p> <p>11 there, Mr. Weasel says: "For every serve</p> <p>12 we make, they are ready to return."</p> <p>13     Do you know who Mr. Weasel is</p> <p>14 referring to there, when he says "they are</p> <p>15 ready to return"?</p> <p>16     A. I believe the "they" would refer</p> <p>17 to the U.S. government.</p> <p>18     Q. Was it Mr. Weasel's belief, to</p> <p>19 your knowledge, that the U.S. government</p> <p>20 was trying to prevent the accurate</p> <p>21 information of the story from coming out?</p> <p>22     MR. GRYGIEL: Object to the</p> <p>23 form.</p> <p>24     A. Yes. Mine as well.</p> <p>25     Q. That was your belief as well?</p>
<p>1           JOEL CHEATWOOD</p> <p>2 detainees at Guantanamo Bay?</p> <p>3       A. We did not receive specific</p> <p>4 information in that regard.</p> <p>5       Q. Mr. Cheatwood, I show you what's</p> <p>6 previously been marked as Exhibit 71 in</p> <p>7 this action, which is, at the top, an</p> <p>8 e-mail from Joe Weasel to you dated</p> <p>9 Saturday at 4:58 p.m.</p> <p>10       And the e-mails, which start on</p> <p>11 the second page with a Bates stamp number</p> <p>12 35535 on April 20th at 4:36 p.m., Mr.</p> <p>13 Weasel writes: "I think it would be wise</p> <p>14 to keep the stuff Glenn mentions on air</p> <p>15 tightly scripted. I have a few concerns.</p> <p>16       One, that they will claim this</p> <p>17 is a police investigation. I want to make</p> <p>18 sure that I get somebody to look over what</p> <p>19 we're going to say on air."</p> <p>20       Was that person that Mr. Weasel</p> <p>21 is referring to one of the confidential</p> <p>22 sources?</p> <p>23       A. Yes, I believe so.</p> <p>24       Q. And did that person review what</p> <p>25 Mr. Beck said on air?</p>	<p>Page 86</p> <p>1           JOEL CHEATWOOD</p> <p>2       A. Yes.</p> <p>3       Q. And why was it you thought the</p> <p>4 government was trying to keep the accurate</p> <p>5 information from coming out?</p> <p>6       A. I couldn't answer that question.</p> <p>7 You'd have to ask them.</p> <p>8       Q. What was the basis of your</p> <p>9 belief?</p> <p>10     A. Again, I had no idea what the</p> <p>11 motivation would be.</p> <p>12     We only knew that the</p> <p>13 confidential sources with direct access to</p> <p>14 the investigation were telling us a set of</p> <p>15 facts that were not consistent with what</p> <p>16 the government was saying.</p> <p>17     Q. Do you know why Mr. Weasel is</p> <p>18 expressing a concern that it would be wise</p> <p>19 to keep the stuff Glenn mentions on air</p> <p>20 tightly scripted?</p> <p>21     A. Any time you're discussing a</p> <p>22 story with sensitivity and grave</p> <p>23 allegations, as this one did, it's common</p> <p>24 practice to want to make sure that the</p> <p>25 talent stays as close to script as very</p>

<p style="text-align: right;">Page 89</p> <p>1           JOEL CHEATWOOD 2 possible because the facts are vetted and 3 you want to keep them close to the facts. 4       Q. In that case, the talent is Mr. 5 Beck? 6       A. That's correct. 7       Q. And this was a story which 8 involved matters of grave concern? Is that 9 what you testified to? 10      A. I believe great public interest. 11      The allegations were absolutely 12 grave, and it was important that we stuck 13 strictly to the facts. 14      Q. And on the first page of 15 Exhibit 71, in your response at 4:57 p.m. 16 to Mr. Weasel, the last line of your 17 response is: "Need credibility." 18      What are you referring to there? 19      A. Referring specifically to the 20 detail that we can provide in classifying 21 someone as a 212(3)(B), felt that we needed 22 to provide as much information and 23 explanation as possible, not only as to 24 what the designation meant, but also the 25 process by which someone was designated in</p>	<p style="text-align: right;">Page 91</p> <p>1           JOEL CHEATWOOD 2 counsel? 3       A. We reviewed an e-mail that 4 outlined what the definition of 212(3)(B) 5 is. 6       Q. And who did the e-mail come 7 from? 8       A. I don't recall. 9       Q. Was the e-mail from a lawyer or 10 from a confidential source or -- 11      A. I don't recall who originated 12 it. 13      Q. And was the e-mail sent to you 14 at TheBlaze? 15      A. Yes. 16      Q. And was it an e-mail that you 17 solicited or just sent to you 18 independently? 19      A. I believe that we solicited a 20 definition from this person and they 21 provided it. 22      Q. Who was it provided to, when you 23 say "we"?24      A. I don't recall whether there was 25 anyone else on the e-mail chain besides</p>
<p style="text-align: right;">Page 90</p> <p>1           JOEL CHEATWOOD 2 that way. 3       Q. And what was your understanding 4 of the process by which somebody was 5 designated under Section 212(3)(B)? 6       A. According to our confidential 7 sources and other experts in the area that 8 we consulted, it was a tedious process that 9 required the presentation of full evidence 10 in making the accusation. 11      It required the sign-off of all 12 JTTF members in terms of the various 13 agencies that are involved, and it also 14 involved the approval of a high level, 15 usually cabinet member, to make that 16 designation. 17      Q. And 212(3)(B) refers to what? 18      A. Terrorism. 19      Q. Do you have an understanding as 20 to whether or not that's a section of the 21 United States Code or the Criminal Code or 22 where that comes from? 23      A. I believe that's part of the 24 Criminal Code. I could be wrong. 25      Q. Did you review that at all with</p>	<p style="text-align: right;">Page 92</p> <p>1           JOEL CHEATWOOD 2 myself. 3       Q. Do you have any memory as to 4 when you received that? 5       A. I do not. 6       Q. And the person who sent it, you 7 testified, was not counsel; is that 8 correct? 9       A. Was not. 10      Q. But you don't remember whether 11 they were a confidential source or not? 12      A. They were not. 13      Q. And you don't remember who it 14 was? 15      A. I don't. 16      Q. Did they work for TheBlaze? 17      A. No. 18      Q. Mr. Cheatwood, I show you what's 19 been marked as Exhibit 72 in this matter, 20 which is an e-mail from you to Mr. Weasel 21 on Saturday, April 20th at 5:02 p.m. 22      And Mr. Weasel writes to you at 23 4:58 p.m. and says: "Is Emerson on this? 24 Mainly going to be his source in asking 25 where the kid is."</p>

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1        JOEL CHEATWOOD		1        JOEL CHEATWOOD
2        And Emerson there is Steve		2        area of terrorism, we felt it was important
3        Emerson; is that correct?		3        to continually get their feedback and
4        A. That's correct.		4        expertise in concert with the facts being
5        Q. And your response is that you		5        provided by our confidential sources.
6        don't know. "I think we should reach out		6        Q. Mr. Cheatwood, I show you what's
7        to all our friends on this: West;		7        been marked previously as Exhibit 73 in
8        Stakelbeck; Emerson, for certain; Pam		8        this action, which is an e-mail from Mr.
9        Geller has written about it too. I may		9        Weasel to you starting at 7:35 p.m. on
10        reach out to Hannity's producer."		10        Saturday, April 20th.
11        Who is West?		11        And Mr. Weasel's first e-mail
12        A. Diana West, an author and noted		12        says: "The only way I can get the file is
13        expert on terrorism.		13        to fly to and take a screenshot off of a
14        Q. And Stakelbeck was Eric		14        laptop. In this case, it would be a
15        Stakelbeck; is that correct?		15        smoking gun. Thoughts?"
16        A. That's correct.		16        And your response to Mr. Weasel
17        Q. Emerson is Steve Emerson?		17        is: "Legal?"
18        A. Correct.		18        Did you make a determination
19        Q. And who is Pam Geller?		19        about whether that was legal?
20        A. Pam Geller, again, was an author		20        MR. GRYGIEL: Objection to the
21        and noted expert in the area of the Middle		21        form.
22        East and terrorism.		22        A. I made the determination that it
23        Q. And you're referring to these		23        was not.
24        people as "our friends."		24        Q. And how did you make that
25        What do you mean by that?		25        determination?
	Page 94	Page 96
1        JOEL CHEATWOOD		1        JOEL CHEATWOOD
2        A. I meant simply people that we		2        A. Just based on my experience and
3        have worked with in the past in terms of		3        knowledge of dealing with information like
4        story development. They've been guests on		4        this.
5        the shows. People that we just had a		5        Q. And after having made the
6        history of working with.		6        determination, did you communicate that to
7        Q. And you write: "I may reach out		7        Mr. Weasel?
8        to Hannity's producer."		8        A. I did.
9        Did you do that?		9        Q. How did you communicate that to
10        A. As I recall, I left a voicemail.		10        him?
11        Q. And who was Mr. Hannity's		11        A. I believe it was via phone.
12        producer at the time?		12        Q. And what did you say to him?
13        A. At the time, I believe it was		13        A. Indicated that that was not an
14        John Finley.		14        option for us, that we had to obtain the
15        Q. Did you consider Mr. Hannity and		15        information physically. We couldn't take
16        Mr. Finley as friends?		16        it off of a -- basically, a government
17        A. Having worked at Fox News, they		17        terminal.
18        were acquaintances.		18        Q. And did you obtain the
19        Q. Why was it that you wanted to		19        information physically?
20        reach out to West, Stakelbeck, Emerson,		20        A. We obtained the file, which
21        Geller and Mr. Hannity's program?		21        we've discussed, yes.
22        A. We were continually looking for		22        Q. And what, to your knowledge,
23        context and perspective to the facts that		23        made taking a screenshot of a laptop
24        we were being provided by our confidential		24        illegal, but obtaining the physical file
25        sources, and given their expertise in the		25        not illegal?

<p>1           JOEL CHEATWOOD</p> <p>2           MR. GRYGIEL: Object to the</p> <p>3 form. It also calls for a legal question</p> <p>4 from a fact witness. But to the extent you</p> <p>5 can answer, please feel free.</p> <p>6           A. My feeling and opinion was that</p> <p>7 to violate the privacy of a government</p> <p>8 terminal would have put us in jeopardy of</p> <p>9 an illegality, but to be provided</p> <p>10 information and simply to be a receptive</p> <p>11 reporting entity with information being</p> <p>12 provided to us, would not.</p> <p>13           Q. And so your understanding was to</p> <p>14 take a screenshot of somebody's terminal</p> <p>15 would be illegal, but to have that person</p> <p>16 print out what was on the screen and</p> <p>17 provide it to you would not be illegal?</p> <p>18           MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20           A. Our feeling was, if we were a</p> <p>21 passive interest in receiving the</p> <p>22 information, it was fine.</p> <p>23           Q. What do you mean by "passive"?</p> <p>24           A. Basically, we weren't physically</p> <p>25 going after and pulling information out of</p>	Page 97	Page 99
<p>1           JOEL CHEATWOOD</p> <p>2 what could be a private government</p> <p>3 terminal. We were being provided.</p> <p>4           Q. So as a result of that</p> <p>5 conversation with you, Mr. Weasel did not</p> <p>6 fly to D.C.?</p> <p>7           A. He did fly.</p> <p>8           Q. And that was to obtain the</p> <p>9 physical file?</p> <p>10           A. Yes.</p> <p>11           Q. And that was from the</p> <p>12 confidential source?</p> <p>13           A. Yes.</p> <p>14           Q. And the file he obtained was the</p> <p>15 Exhibit 60 and 61 that we reviewed</p> <p>16 previously; is that correct?</p> <p>17           A. That's correct.</p> <p>18           Q. On Exhibit 73, Mr. Weasel</p> <p>19 states:</p> <p>20           "Just heard reliably that Saudi</p> <p>21 specifically requested Michelle Obama visit</p> <p>22 Alharbi to throw off any questions of</p> <p>23 terror."</p> <p>24           Do you know who Mr. Weasel heard</p> <p>25 that from?</p>	Page 98	Page 100
<p>1           JOEL CHEATWOOD</p> <p>2 April 20th at 10:29 p.m., and you're asking</p> <p>3 there: "Can" -- and it's redacted -- "now</p> <p>4 tell us about the family clan connections."</p> <p>5           Was that the confidential source</p> <p>6 that's redacted there?</p> <p>7           A. Yes.</p> <p>8           Q. And the family clan connections</p> <p>9 were connections of Mr. Alharbi's family?</p> <p>10           MR. GRYGIEL: Object to the</p> <p>11 form.</p> <p>12           A. That's correct.</p> <p>13           Q. Did your source ever provide you</p> <p>14 with any information regarding his family</p> <p>15 or clan connections?</p> <p>16           A. Our confidential sources</p> <p>17 provided us with general information, but</p> <p>18 we couldn't get specific details that made</p> <p>19 us comfortable with reporting that</p> <p>20 information.</p> <p>21           Q. Mr. Cheatwood, I show you what's</p> <p>22 been previously marked as Exhibit 74 in</p> <p>23 this matter, which is an e-mail from David</p> <p>24 Hemenway to Joe Weasel.</p> <p>25           Who is David Hemenway?</p>		

Page 101	Page 103
1        JOEL CHEATWOOD	1        JOEL CHEATWOOD
2        A. I don't know.	2        A. I don't recall to what extent.
3        Q. Did you ever see this e-mail	3        Q. And the second sentence of that
4 before?	4 e-mail says: "A call is a good idea. I'm
5        A. I have not.	5 drafting a note of what we know to send out
6        Q. Mr. Cheatwood, I show you what's	6 in a few to calm nerves."
7 been previously marked Exhibit 75 in this	7        What were you referring to
8 action, which is an e-mail at the top from	8 there?
9 you to Mr. Weasel on Sunday, April 21st at	9        MR. GRYGIEL: Object to the
10 10:17 a.m.; and Mr. Weasel, at the bottom	10 form.
11 of the page, is 10:04 a.m., is writing and	11        A. My intent to draft an overview
12 says: "Do we know if we are allowed to	12 of the information that we knew to be
13 report that there has been a request for a	13 factual, along with questions that we were
14 secure briefing on this kid? It's a	14 seeking answers to.
15 critical bit of information."	15        Q. And were people nervous?
16        What is Mr. Weasel referring to	16        A. Absolutely. Any time that
17 there, if you know?	17 you're involved with a story of this
18        MR. GRYGIEL: Object to the	18 magnitude and at the leading edge of
19 form.	19 reporting, if you're not nervous, something
20        A. We had been told by one of our	20 is wrong.
21 confidential sources that the Congressional	21        There's a great desire to be
22 Homeland Security Committee had asked for a	22 accurate, to get full information, and
23 secure briefing from Janet Napolitano.	23 that's why we revisited our confidential
24        Q. And you then say: "Virginia,	24 sources at all hours of the days and night
25 can you peruse" -- or I assume you meant	25 for many, many, many weeks.
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1        JOEL CHEATWOOD	1        JOEL CHEATWOOD
2 "pursue" -- "permission on this?"	2        Q. Mr. Cheatwood, I've handed you a
3        Who are you asking Ms. Grace to	3 copy of what's previously been marked as
4 pursue permission from?	4 Exhibit 76 in this action.
5        MR. GRYGIEL: Object to the	5        And in response to Exhibit 75,
6 form.	6 on Sunday, April 21st at 10:20 a.m., Mr.
7        A. As I recall, Virginia had	7 Weasel writes: "They know what we have, so
8 contacts with aides in the office of that	8 they have to try to Joe McCarthy Glenn.
9 committee, and was seeking permission from	9        Do you know what Mr. Weasel is
10 Mr. Duncan's office to publicize that they	10 referring to there?
11 had made the request.	11        MR. GRYGIEL: Object to the
12        Q. And at the top of Exhibit 75, at	12 form.
13 10:07, Mr. Weasel has forwarded a link to a	13        A. I believe he is referring to the
14 Daily Mirror story, and your response is:	14 effort to discredit Glenn as being a
15 "God, I wish it weren't the Daily Mirror."	15 reliable source of information.
16        Why were you saying that?	16        Q. And was that something that you
17        MR. GRYGIEL: Object to the	17 discussed with Mr. Weasel or Mr. Beck at
18 form.	18 any time?
19        A. In spite of the Daily Mirror's	19        A. Not specifically, no.
20 pretty incredible track record as an	20        Q. And in response to Mr. Weasel's
21 investigative journalism platform, I was	21 statement, that "We need Duncan's guy" --
22 hoping that U.S. mainstream media outlets	22 and that refers to Congressman Duncan; is
23 would pick it up. This was a British	23 that correct?
24 publication.	24        A. That's correct.
25        Q. Did they ever pick it up?	25        Q. -- "to call Jake Tapper. I

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1        JOEL CHEATWOOD 2 think he'll do it for Virginia and get to 3 the Congressman. I think Tapper might be 4 more open." 5        Your response is: 6        "Worth a shot. Glenn says 7 Tapper told him. Didn't know he reached 8 out (DHS told him mistaken identity.)" 9        What conversations did you have 10 with Mr. Beck about a conversation that he 11 had with Mr. Tapper? 12        MR. GRYGIEL: Object to the 13 form. 14        A. He informed me that he had 15 reached out to Mr. Tapper hoping to share 16 elements of the story and with the intent 17 of ABC News picking up the investigation. 18        Q. And Mr. Tapper told Mr. Beck 19 that he had been told by the Department of 20 Homeland Security that it was simply a case 21 of mistaken identity? 22        A. I don't know what Mr. Tapper 23 told Glenn. This is just what Glenn 24 related to me. 25        Q. To your knowledge, did Mr.	1        JOEL CHEATWOOD 2 of Oz knows the answer to that question." 3        Was this person in this e-mail, 4 to your knowledge, one of the confidential 5 sources that you were relying on? 6        MR. GRYGIEL: Object to the 7 form. 8        A. I have no knowledge of this 9 e-mail. 10        Q. Have you seen this before? 11        A. I have not. 12        Q. Mr. Cheatwood, I show you what's 13 previously been marked as Exhibit 78 in 14 this matter. 15        This was an e-mail that you sent 16 up to Mr. Weasel and Tiffany Siegel on 17 Sunday at 3:35 p.m. 18        Was this in preparation for a 19 call with Mr. Beck? 20        MR. GRYGIEL: Object to the 21 form. 22        A. Yes, it was. 23        Q. What was the purpose of 24 providing this information to Mr. Weasel 25 and Ms. Siegel?
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1        JOEL CHEATWOOD 2 Tapper ever pursue the story? 3        A. I don't know. 4        Q. What Mr. Beck told you was that 5 Mr. Tapper told him that the Department of 6 Homeland Security was saying to him that it 7 was a case of mistaken identity? 8        MR. GRYGIEL: Object to the 9 form. 10        A. That's how I interpret this 11 e-mail. 12        Q. And did you have any reason to 13 question Mr. Beck's accuracy in relating to 14 you what Mr. Tapper said to him? 15        A. Other than I was not part of the 16 conversation, no. 17        Q. Mr. Cheatwood, I show you what's 18 previously been marked as Exhibit 77 in 19 this action, which is an e-mail from an 20 unidentified redacted person to Mr. Weasel, 21 and Mr. Weasel is asking that person at 22 11:51 a.m. about: "Do you know if they got 23 him out of the country?" 24        And the person responding says: 25        "At the moment, only the Wizard	1        JOEL CHEATWOOD 2        A. Wanted them both to be 3 comfortable with the information to see 4 what we would be discussing in terms of the 5 conversation with Mr. Beck, and basically 6 just as a guideline going forward for the 7 information that we had in place. 8        Q. And the information in the 9 e-mail, is that information that you typed 10 up? 11        A. I did. 12        Q. What was the source of the 13 information? 14        A. The source of information was 15 from primarily our confidential sources 16 through Joe Weasel. 17        Q. And on the top of the second 18 page of Exhibit 78, it has a Bates stamp 19 number of 35080, it states: 20        "Tuesday morning Secretary of 21 State John Kerry meets with Saudi Foreign 22 Minister Saud. The meeting is abruptly 23 closed to the media." 24        What link was it that you 25 thought that piece of information had to



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<p>1        JOEL CHEATWOOD 2 the investigation of Mr. Alharbi? 3        MR. GRYGIEL: Object to the 4 form. 5        A. At that time, we didn't know 6 what the link might be, or if there was a 7 link at all, but it was information 8 provided by confidential sources that felt 9 there was some connection. 10      Q. Do you know what the basis of 11 their feeling that there was a connection 12 was? 13      MR. GRYGIEL: Objection. 14      A. Based primarily on their 15 expertise in terms of dignitaries visiting 16 the White House and this being out of the 17 norm. 18      Q. And did you ever determine if 19 there was any link between the information 20 reported at the top of the page here and 21 the investigation of Mr. Alharbi? 22      A. We did not. 23      Q. With respect to the third bullet 24 point on page 2, where it says "Wednesday, 25 President Obama has a 'chance' in-concert</p>	<p>1        JOEL CHEATWOOD 2 were "very scary? 3        MR. GRYGIEL: Object to the 4 form. 5        A. The indication from multiple 6 confidential sources was there was a 7 connection to terrorism within the family. 8        Q. And did you ever make any 9 determination as to whether there was such 10 a connection? 11      A. We did not develop specific 12 information. 13      Q. What general information did you 14 develop? 15      A. General information was just, 16 there were connections from Mr. Alharbi and 17 his family to known terrorists. 18      Q. And which terrorist? 19      A. I -- we were not given 20 specifics. 21      Q. Did you ever seek to verify the 22 information with anyone else besides your 23 confidential sources? 24      A. Yes, we did. 25      Q. Who did you seek to verify it</p>
<p>1        JOEL CHEATWOOD 2 with Saudi Foreign Minister Saud and Saudi 3 Ambassador Adel al-Jubeir," what 4 relationship did that fact have to do with 5 the investigation of Mr. Alharbi? 6        MR. GRYGIEL: Object to the 7 form. 8        A. Again, this information was 9 provided by a confidential source with 10 knowledge and information as to protocol on 11 these matters who thought that this was 12 unusual and odd, and more than a 13 coincidence. 14      Q. Did you ever make any 15 determination as to whether it was more 16 than a coincidence? 17      A. We did not. 18      Q. And on the third page of 19 Exhibit 78, Bates stamp number 35081, it 20 states: "We are told his family 21 connections are very scary." 22      Who told you that? 23      A. Confidential sources. 24      Q. And what exactly did they tell 25 you about the connections other than they</p>	<p>1        JOEL CHEATWOOD 2 with? 3        A. We posed the question to the 4 Department of Homeland Security, the FBI, 5 the Joint Task Force -- Joint Terrorism 6 Task Force, Congressional contacts. 7 Anybody else we could think of. 8        Q. And what was their response? 9        A. No response. 10      Q. Who posed the question? 11      A. Primarily, Joe Weasel and his 12 staff. I believe Tom Orr on his staff was 13 part of the reach-out. 14      I don't know if there were 15 others, but those two I know. 16      Q. When you say there was no 17 response, they just didn't answer the 18 question or made no comment or how did that 19 work? 20      A. Universally, no response. 21      Q. I'm trying to get an 22 understanding of when you say "no 23 response," was it because they didn't 24 respond to a phone call, an e-mail, or was 25 it because they just refused to provide an</p>

<p style="text-align: right;">Page 113</p> <p>1        JOEL CHEATWOOD 2 answer or just said "no comment"? 3        MR. GRYGIEL: Object to the 4 form. 5        A. All of the above. 6        Q. On the last page of Exhibit 78, 7 with the Bates stamp number 35086, you 8 write: "There is a pattern. There is a 9 relationship between the U.S. and Saudi' 10 Arabia the American public doesn't know 11 about. The case of Abdul Rahman Ali 12 Alharbi is only the latest example." 13        What's the basis of that 14 statement? 15        A. We had done a significant amount 16 of research about the U.S. and Saudi Arabia 17 relationship, and specifically about how 18 Saudi nationals were treated, how they were 19 admitted into the country versus the 20 nationals of other countries. 21        Q. How did the case of Mr. Alharbi 22 relate to that? 23        A. At the point that I drafted this 24 note, we were looking at all possibilities, 25 all questions, and looking for answers in a</p>	<p style="text-align: right;">Page 115</p> <p>1        JOEL CHEATWOOD 2 was inaccurate? 3        MR. GRYGIEL: Object to the 4 form. 5        A. Yes, I did. 6        Q. Were you aware that that was 7 what was being reported by most other news 8 sources? 9        MR. GRYGIEL: Object to the 10 form. 11        A. Yes. Yes, I was. 12        Q. And what made you believe that 13 TheBlaze got the story right and all the 14 other news sources were wrong? 15        MR. GRYGIEL: Object to the form 16 and also foundation. 17        A. Based on the information 18 provided by the confidential sources that 19 we had. 20        Q. Mr. Cheatwood, I show you what's 21 previously been marked as Exhibit 80 in 22 this matter, which is an e-mail from 23 Patrick Poole to Virginia Grace on Sunday 24 at 6:33 p.m. 25        Have you seen this before?</p>
<p style="text-align: right;">Page 114</p> <p>1        JOEL CHEATWOOD 2 variety of different directions, and wanted 3 to know if this relationship -- or this 4 special relationship, as we determined -- 5 had anything to do with the government's 6 treatment of Mr. Alharbi. 7        Q. And did you make any 8 determination as to whether it did or did 9 not? 10        A. We couldn't definitively come to 11 that conclusion. 12        Q. Mr. Cheatwood, I show you what's 13 previously been marked as Exhibit 79 in 14 this action, which at the top is an e-mail 15 from you to Tiffany Siegel, copying Joe 16 Weasel, and it includes an earlier e-mail 17 from Tiffany Siegel on April 21st at 3:45 18 p.m., and she makes reference to a story 19 with a date line "Boston," where above the 20 highlighted portion, it says: 21        "He is not a suspect nor is he a 22 person of interest. He was an individual 23 at the marathon, and therefore, like so 24 many individuals, has been questioned." 25        Did you believe that reporting</p>	<p style="text-align: right;">Page 116</p> <p>1        JOEL CHEATWOOD 2        A. I have seen this. 3        Q. Did you see it at the time that 4 it was authored or sent? 5        A. I don't recall. 6        Q. And Mr. Poole, in the first 7 sentence there, writes: 8        "On the Saudi, my sense is that 9 there are two issues, since we don't know 10 in what way, if any, he was involved in the 11 bombing incident." 12        Did you agree with that 13 statement as of Sunday night at 6:33 p.m.? 14        A. I did not. 15        Q. And the basis for your 16 questioning that statement were the two 17 documents that you had, Exhibit 60 and 61? 18        MR. GRYGIEL: Object to the 19 form. It also mischaracterizes the 20 testimony. 21        Mr. Cheatwood didn't say he 22 questioned that. He said he disagreed with 23 it. 24        MR. HALEY: I'll rephrase the 25 question.</p>

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<p>1           JOEL CHEATWOOD</p> <p>2 BY MR. HALEY:</p> <p>3     Q. The basis of your disagreement</p> <p>4 was what?</p> <p>5     A. The information provided by</p> <p>6 multiple confidential sources with direct</p> <p>7 ties to the investigation.</p> <p>8     Q. And the second-to-last paragraph</p> <p>9 there, in Mr. Poole's e-mail, where he says</p> <p>10 "Do we know what's going on in the case of</p> <p>11 the Saudi? No, I don't think we do, but we</p> <p>12 can conclude that the official version spun</p> <p>13 by the Administration is far different from</p> <p>14 the facts that we know."</p> <p>15       Do you know what Mr. Poole is</p> <p>16 referring to there when he says "from the</p> <p>17 facts that we know"?</p> <p>18       A. I don't know specifically what</p> <p>19 he meant. I'm assuming he is referring to</p> <p>20 the facts that he personally is aware of.</p> <p>21       Q. And do you know if Mr. Weasel</p> <p>22 ever shared with Mr. Poole the information</p> <p>23 from the confidential sources?</p> <p>24       A. I believe Mr. Weasel shared the</p> <p>25 basis and the facts. Did not share the</p>	<p>1           JOEL CHEATWOOD</p> <p>2 Weasel had were somehow more authoritative</p> <p>3 or more accurate than Mr. Poole's sources?</p> <p>4        MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6        A. We knew for a fact that our</p> <p>7 confidential sources were directly involved</p> <p>8 in the investigation. There was no</p> <p>9 indication through Mr. Weasel that Mr.</p> <p>10 Poole had that access.</p> <p>11       Q. Did you ever ask if Mr. Poole</p> <p>12 had that access?</p> <p>13       A. I believe I asked Joe what Mr.</p> <p>14 Poole's resources were, yes.</p> <p>15       Q. And to your knowledge, did Mr.</p> <p>16 Poole share those with Mr. Weasel?</p> <p>17       A. I think he shared generally who</p> <p>18 he was talking to and acknowledged, to the</p> <p>19 best of my recollection, that they were not</p> <p>20 at a level that our sources were.</p> <p>21       Q. And your sources were directly</p> <p>22 involved in the investigation?</p> <p>23       A. Yes.</p> <p>24       Q. And at some sort of an executive</p> <p>25 or supervisory level?</p>
<p>1           JOEL CHEATWOOD</p> <p>2 confidential sources, specifically.</p> <p>3     Q. When you said he shared the</p> <p>4 basis and the facts, essentially, he shared</p> <p>5 the information, but not the identity of</p> <p>6 the sources?</p> <p>7       A. Exactly.</p> <p>8       Q. So with that information,</p> <p>9 though, Mr. Poole, apparently on Sunday</p> <p>10 evening, is still stating that as far as he</p> <p>11 knows, you can't prove a connection between</p> <p>12 Mr. Alharbi and the attack?</p> <p>13       A. Mr. Poole, without direct access</p> <p>14 to the confidential sources, would have no</p> <p>15 reason to necessarily just take at face</p> <p>16 value what Mr. Weasel was providing.</p> <p>17       I assume he had his own sources</p> <p>18 that provided the information that he had.</p> <p>19       Q. And do you know who Mr. Poole's</p> <p>20 sources were?</p> <p>21       A. I do not.</p> <p>22       Q. Did you ever ask him?</p> <p>23       A. Not specifically.</p> <p>24       Q. How do you make a determination</p> <p>25 that the confidential sources that Mr.</p>	<p>Page 118</p> <p>1           JOEL CHEATWOOD</p> <p>2        A. Senior level.</p> <p>3        Q. Were they in charge of the</p> <p>4 investigation?</p> <p>5        MR. GRYGIEL: Objection to the</p> <p>6 extent that disclosure of that information</p> <p>7 would call for identification of the</p> <p>8 sources.</p> <p>9        Q. What do you mean by "senior</p> <p>10 level"?</p> <p>11       A. They were in positions of</p> <p>12 authority and had a senior status based on</p> <p>13 their experience level and performance.</p> <p>14       Q. And they were directly involved</p> <p>15 in the investigation?</p> <p>16       A. Our principal confidential</p> <p>17 source was directly involved in the</p> <p>18 investigation. The secondary -- one of the</p> <p>19 secondary sources had a direct link to it</p> <p>20 as well.</p> <p>21       Q. What about the other two</p> <p>22 sources?</p> <p>23       A. Being kept in the loop and</p> <p>24 informed. Not specifically attached to the</p> <p>25 investigation.</p>

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<p>1           JOEL CHEATWOOD</p> <p>2   Q. And the primary source that you</p> <p>3 testified to, that was the person that you</p> <p>4 spoke to on the phone in April and then met</p> <p>5 with in May?</p> <p>6    MR. GRYGIEL: You can answer</p> <p>7 that, Joel, to the extent it won't result</p> <p>8 in the identification of the source.</p> <p>9    A. No, it was not.</p> <p>10   Q. And was that person the</p> <p>11 secondary source?</p> <p>12   A. No, it was not.</p> <p>13   Q. So the person that you spoke to</p> <p>14 in April and met with in May wasn't</p> <p>15 directly involved in the investigation?</p> <p>16   A. The person I spoke to in April</p> <p>17 and met with in May I approached for the</p> <p>18 specific reason of further vetting our</p> <p>19 primary confidential sources.</p> <p>20   Q. Because that person was senior</p> <p>21 to your primary confidential source?</p> <p>22    MR. GRYGIEL: Same objection.</p> <p>23       You can answer to the extent it</p> <p>24 will not result in disclosure of the</p> <p>25 source's identification.</p>	<p>1           JOEL CHEATWOOD</p> <p>2 expertise and his knowledge of terrorism, I</p> <p>3 had made the suggestion that maybe he was a</p> <p>4 better guest before Mr. McCarthy.</p> <p>5    Q. And Mr. McCarthy was Andrew</p> <p>6 McCarthy?</p> <p>7    A. Yes.</p> <p>8    Q. And who was he again?</p> <p>9    A. A former U.S. Attorney who</p> <p>10 prosecuted the first World Trade Center</p> <p>11 bombing.</p> <p>12   Q. And Mr. Poole as an expert would</p> <p>13 be someone who was presumably going to say</p> <p>14 that he didn't know in what way, if any,</p> <p>15 Mr. Alharbi was involved in the bombing</p> <p>16 incident?</p> <p>17    MR. GRYGIEL: Objection.</p> <p>18       Calls for speculation.</p> <p>19    A. I wasn't clear specifically what</p> <p>20 information he would impart other than that</p> <p>21 of his expertise in the area of terrorism.</p> <p>22   Q. But you're making that comment</p> <p>23 after receiving his e-mail of 6:32 p.m.;</p> <p>24 right?</p> <p>25   A. Right.</p>
<p>1           JOEL CHEATWOOD</p> <p>2   A. That person had a very close</p> <p>3 knowledge of the confidential sources, the</p> <p>4 role they served in their respective</p> <p>5 organizations and their access and ability</p> <p>6 to gain information.</p> <p>7   Q. Mr. Cheatwood, I show you what's</p> <p>8 marked as Exhibit 81, which at the top is</p> <p>9 an e-mail from you to Tiffany Siegel and</p> <p>10 Joe Weasel on Sunday at 6:42 p.m.</p> <p>11       It's forwarding Mr. Poole's 6:32</p> <p>12 p.m. e-mail, and your response to that</p> <p>13 e-mail to Ms. Siegel and Mr. Weasel is:</p> <p>14       "Maybe Poole is better than</p> <p>15 McCarthy tomorrow. See below."</p> <p>16       What did you mean by that?</p> <p>17    MR. GRYGIEL: Object to the</p> <p>18 form. You can answer.</p> <p>19    A. I don't recall specifically the</p> <p>20 -- to the best of my recollection, we were</p> <p>21 just talking about who could express most</p> <p>22 broadly the information to provide expert</p> <p>23 commentary on the story that we were</p> <p>24 providing.</p> <p>25       I believe based on Mr. Poole's</p>	<p>1           JOEL CHEATWOOD</p> <p>2   Q. Did you have some reason to</p> <p>3 believe in the 10 minutes between 6:32 and</p> <p>4 6:42 that what Mr. Poole would say would be</p> <p>5 inconsistent with his e-mail?</p> <p>6    MR. GRYGIEL: Objection.</p> <p>7    A. To the best of my recollection,</p> <p>8 I was basing it on just the breadth of</p> <p>9 information that he would be able to</p> <p>10 provide versus the breadth of information</p> <p>11 that Mr. McCarthy would be able to provide.</p> <p>12   Q. Directing your attention to the</p> <p>13 second page of Exhibit 81, the first e-mail</p> <p>14 there is from Virginia Grace at 5:54 p.m.,</p> <p>15 and she writes:</p> <p>16       "Hi, Patrick - looking forward</p> <p>17 to seeing you tomorrow. Would love to know</p> <p>18 your thoughts on the latest on the Saudi</p> <p>19 national (if you have it) and the</p> <p>20 connections of the bombers to radical Islam</p> <p>21 (also hearing they were connected to a</p> <p>22 12-person sleeper cell.)"</p> <p>23       At that point, did you have any</p> <p>24 information about Mr. Alharbi's connection</p> <p>25 to a sleeper cell?</p>

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<p>1           JOEL CHEATWOOD 2           MR. GRYGIEL: Object to the 3       form. 4       A. To the best of my recollection, 5       our confidential sources at this time were 6       indicating that the activities in Boston 7       would have extended beyond the Tsaernaev 8       brothers. That this had to be an 9       operation, not just a two-person event. 10      Q. What information did you have 11       that Mr. Alharbi was connected to the 12       Tsaernaev brothers? 13      A. According to our confidential 14       sources, and based on the evidence that 15       they had access to and provided to us, Mr. 16       Alharbi did not detonate the bombs, but 17       they believed had funded and organized the 18       effort. 19      Q. What did they tell you about his 20       funding and organizing the effort? 21      MR. GRYGIEL: Objection. 22      At what point in time? 23      MR. HALEY: At any point in 24       time. 25      A. The initial indication was that</p>	<p>1           JOEL CHEATWOOD 2       the ISB, the Islamic Society of Boston, and 3       their connections to terrorism. 4       And in looking at the evidence 5       and connecting those dots, he came to the 6       definitive conclusion that Mr. Alharbi 7       would have been the financier and most 8       likely organizer of this event. 9       Q. When you say "would have been," 10      is that something that he just supposed or 11       something that he had evidence of? 12      A. This was -- 13      MR. GRYGIEL: Object to the 14       form. You can answer. 15      A. This was based on the evidence, 16       his expertise in knowing how these things 17       work, and his expansive knowledge on, 18       specifically, the Boston situation through 19       the ISB. 20      Q. And what information did you 21       have connecting Mr. Alharbi to the Islamic 22       Society of Boston? 23      A. According to our confidential 24       source, he was known to be a member of the 25       Roxbury mosque, which was part of the ISB.</p>
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<p>1           JOEL CHEATWOOD 2       since he had not been the detonator of the 3       bombs physically, but had been classified 4       as a terrorist, 212(3)(B), and knowing, 5       with knowledge that they had in terms of 6       how these terror cells work, that Mr. 7       Alharbi's work would have been the 8       financier and potentially the recruiter and 9       organizer. 10      Q. Other than his classification as 11       what you refer to, 212(3)(B), and a general 12       knowledge of how terror cells work, was 13       there any specific knowledge or evidence 14       that you're aware of that connected Mr. 15       Alharbi to activities about supporting or 16       funding the attacks? 17      MR. GRYGIEL: Object to the 18       form. 19      A. Again, are we talking about a 20       specific time or in general? 21      Q. In general. 22      A. Yes. The principal confidential 23       source is a leading expert in antiterrorism 24       and terrorism cells in this country, and, 25       in fact, since 2009 has studied in-depth</p>	<p>1           JOEL CHEATWOOD 2       Q. Other than the Roxbury mosque, 3       what information did you have? 4       MR. GRYGIEL: Object to the 5       form. 6       A. The information came strictly 7       from the confidential source who had 8       expertise in this area, and with the 9       evidence, made a definitive conclusion that 10      this was the case. 11      MR. HALEY: Off the record. 12      (A luncheon recess was taken 13      from 12:23 p.m. to 1:18 p.m.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 129</p> <p>1        JOEL CHEATWOOD 2        A F T E R N O O N    S E S S I O N 3        (Time Resumed: 1:18 p.m.) 4        JOEL CHEATWOOD, 5        resumed and testified as follows: 6        C O N T I N U E D    E X A M I N A T I O N 7        B Y M R . H A L E Y : 8        Q. Mr. Cheatwood, I show you what's 9        been marked previously in this matter as 10      Exhibit 82, which is an e-mail from Dan 11      Andros to Stu Burguiere. 12      Who is Mr. Andros? 13      A. Mr. Andros is a writer on 14      Glenn's television program. 15      Q. How about Mr. Burguiere? 16      A. The executive producer and 17      co-host of the radio program. 18      Q. And starting at 7:01 a.m. in the 19      morning, Mr. Andros is writing to Mr. 20      Burguiere, asking: "How are you feeling 21      about this story now?" 22      And Mr. Burguiere responds, the 23      first line, at 8:02 a.m.: 24      "Not wonderful. It seems like 25      it will translate in a difficult to</p>	<p style="text-align: right;">Page 131</p> <p>1        JOEL CHEATWOOD 2        understandable and clear and explaining 3        fully the facts that we were presenting. 4        Q. Did this sentiment that Mr. 5        Burguiere expressed, is this in response to 6        the inquiry -- "How are you feeling about 7        this story?" "Not wonderful." -- was that 8        something that he expressed at the time of 9        the meeting? 10      M R . G R Y G I E L : Object to the 11      form. 12      A. Not that I recall, no. 13      Q. Did anybody else express similar 14      concerns about whether or not you should go 15      forward with the story? 16      A. No. The only concerns were that 17      we presented in a clear and completely 18      factual fashion. 19      Q. Did you have any conversations 20      with Mr. Beck in which you expressed any 21      personal concerns about the story? 22      A. No concerns about the validity 23      or the facts presented, no. 24      (Exhibit 110 for 25      identification, Series of e-mail messages,</p>
<p style="text-align: right;">Page 130</p> <p>1        JOEL CHEATWOOD 2        understand set of accusation." 3        And then Mr. Andros responds in 4        kind at 9:36 a.m.: 5        "Yeah, we were talking after the 6        meeting, and I said I think as long as we 7        minimize them connecting the dots and just 8        point out the facts that we were being 9        told, I think it can be strong." 10      Was there a meeting Monday 11      morning to discuss this story? 12      M R . G R Y G I E L : Object to the 13      form. 14      A. To the best of my recollection, 15      yes. 16      Q. Were you part of that? 17      A. I believe so. 18      Q. Were Mr. Andros and Mr. 19      Burguiere present at that meeting? 20      A. I believe they were. 21      Q. Was there some concern expressed 22      at the meeting about the story as it 23      related to Mr. Alharbi? 24      A. The only concern that I recall 25      being expressed was making it</p>	<p style="text-align: right;">Page 132</p> <p>1        JOEL CHEATWOOD 2        including e-mail from Mr. Cheatwood to 3        Messrs. Weasel, Hall &amp; Baker, production 4        numbers 35260 through 35261.) 5        B Y M R . H A L E Y : 6        Q. Mr. Cheatwood, I show you what's 7        been marked as 110, a series of e-mail 8        messages, Bates stamps 35260 and 35261. 9        In the middle of the page, there 10      is a message from you to Joe Weasel, Glen 11      Hall and Scott Baker saying that: 12      "You can use this information. 13      I like the idea of providing their take and 14      attaching our questions in terms of the TV 15      show." 16      And this is in response to Mr. 17      Weasel's e-mail, with the subject line of 18      which is "On background from Sara." 19      Sara was who? 20      A. I believe this is Sara Carter. 21      Q. And where he says: 22      "Just heard from Sara, whose 23      been working her sources inside the" -- and 24      that indication there is redacted. 25      Do you know where that was?</p>

<p>1           JOEL CHEATWOOD</p> <p>2       A. I believe it was the FBI.</p> <p>3       MR. GRYGIEL: Just so the record</p> <p>4 is clear, I believe that that redaction was</p> <p>5 incorrect in terms of the identification of</p> <p>6 a confidential source.</p> <p>7       That was relied on by TheBlaze</p> <p>8 personnel for the broadcast at issue in the</p> <p>9 case.</p> <p>10 BY MR. HALEY:</p> <p>11     Q. So on further down the page</p> <p>12 there, the next redaction, which says</p> <p>13 "blank' officials," that would be FBI</p> <p>14 officials?</p> <p>15     A. I believe that's true.</p> <p>16     Q. So then she goes on.</p> <p>17       It says: "FBI officials (who</p> <p>18 she's known for many years) tell her that</p> <p>19 Alharbi was placed on the no-fly list,</p> <p>20 terror watch-list, after he was detained as</p> <p>21 a person of interest.</p> <p>22       "This was done as a precaution</p> <p>23 before they had determined whether he was</p> <p>24 more than a witness from the scene of the</p> <p>25 crime."</p>	<p>Page 133</p> <p>1           JOEL CHEATWOOD</p> <p>2       Q. The sources that you had you</p> <p>3 believed were more credible than sources at</p> <p>4 the FBI that Sara had?</p> <p>5       A. The confidential sources that we</p> <p>6 had we believe had direct access to the</p> <p>7 investigation in Boston. We believe Sara's</p> <p>8 sources did not.</p> <p>9       Q. When you say you believe they</p> <p>10 had direct access, did you know that they</p> <p>11 had direct access?</p> <p>12     A. Yes, we did.</p> <p>13     Q. And how did you know they had</p> <p>14 direct access?</p> <p>15     A. Through the documentation they</p> <p>16 provided, the information they provided,</p> <p>17 through the further vetting of their</p> <p>18 accessibility and access to that</p> <p>19 information that I did independently.</p> <p>20     Q. Did those sources ever appear</p> <p>21 publicly anywhere else?</p> <p>22     MR. GRYGIEL: You can only</p> <p>23 answer that if it won't -- you're talking</p> <p>24 about his confidential sources, Peter?</p> <p>25     MR. HALEY: Yes.</p>
<p>1           JOEL CHEATWOOD</p> <p>2       Why did you discount that</p> <p>3 information?</p> <p>4       MR. GRYGIEL: Object to the</p> <p>5 form.</p> <p>6       A. We took this information back to</p> <p>7 our confidential sources, checked against</p> <p>8 their facts, and with their connection to</p> <p>9 the case, and found this not to be the</p> <p>10 case.</p> <p>11       Again, we also determined that</p> <p>12 Sara's contacts at the FBI did not have a</p> <p>13 direct connection to the Boston bombing</p> <p>14 itself, whereas our confidential sources</p> <p>15 did.</p> <p>16     Q. And so your FBI sources you</p> <p>17 relied on more than Sara's FBI sources?</p> <p>18     MR. GRYGIEL: Object to the form</p> <p>19 of the question. And in his answer, Mr.</p> <p>20 Cheatwood did not identify the agency at</p> <p>21 which the confidential sources he was</p> <p>22 relying on were employed.</p> <p>23     MR. HALEY: Well, I'll rephrase</p> <p>24 the question then.</p> <p>25 BY MR. HALEY:</p>	<p>Page 134</p> <p>1           JOEL CHEATWOOD</p> <p>2       MR. GRYGIEL: First of all, do</p> <p>3 you know?</p> <p>4       THE WITNESS: I do not.</p> <p>5       MR. GRYGIEL: So I guess that</p> <p>6 avoids the problem.</p> <p>7       MR. HALEY: Good lawyering.</p> <p>8 BY MR. HALEY:</p> <p>9       Q. And when Mr. Beck spoke about</p> <p>10 Mr. Alharbi's involvement, based on the</p> <p>11 confidential sources, did you make any</p> <p>12 effort to script the program or direct Mr.</p> <p>13 Beck as the talent to also include the fact</p> <p>14 that sources within the FBI were saying</p> <p>15 that this was not the case?</p> <p>16     MR. GRYGIEL: Object to the</p> <p>17 form.</p> <p>18     A. Yes. To the best of my</p> <p>19 recollection, we actually presented the --</p> <p>20 every response that the U.S. government</p> <p>21 made to the accusations that we were</p> <p>22 making.</p> <p>23     Q. Mr. Cheatwood, I show you what's</p> <p>24 been previously marked as Exhibit 83 in</p> <p>25 this action. It's an e-mail from Virginia</p>

<p>1        JOEL CHEATWOOD</p> <p>2 Grace to you on Monday at 3:38 p.m.</p> <p>3        And this is forwarding that same</p> <p>4 e-mail -- it's not clear to me in the</p> <p>5 middle of the page there, 2:02 p.m. --</p> <p>6 where Virginia Grace is thanking you for</p> <p>7 forwarding the e-mail, and then you say:</p> <p>8 "Would love to hear what they say."</p> <p>9        What are you referring to there?</p> <p>10        MR. GRYGIEL: Object to the</p> <p>11 form.</p> <p>12        A. I don't recall what that was in</p> <p>13 reference to.</p> <p>14        Q. At the top of the page,</p> <p>15 Ms. Grace's e-mail says, in reference to a</p> <p>16 conversation with Andy McCarthy,</p> <p>17 parenthetically, it says:</p> <p>18        "In terms of processing</p> <p>19 212(3)(B) classification, Department of</p> <p>20 Homeland Security wasn't created when Andy</p> <p>21 was prosecuting, so he doesn't know the</p> <p>22 label firsthand.</p> <p>23        "Steve Emerson said the</p> <p>24 Department of Homeland Security file has a</p> <p>25 prior event number on it, is a code.</p>	<p>Page 137</p> <p>1        JOEL CHEATWOOD</p> <p>2 product as a result of that?</p> <p>3        Did you receive an opinion or a</p> <p>4 treatus or anything else as a result from</p> <p>5 those experts?</p> <p>6        MR. GRYGIEL: Object to the</p> <p>7 form.</p> <p>8        A. The only thing that I recall is</p> <p>9 I recall seeing an e-mail. I'm not sure if</p> <p>10 it was directed to me initially or I was</p> <p>11 copied on it, that outlined the explanation</p> <p>12 of 212(3)(B).</p> <p>13        (Exhibit 111 for</p> <p>14 identification, Series of e-mail messages,</p> <p>15 including e-mail from Mr. Baker to Mr.</p> <p>16 Cheatwood, cc to Messrs. Hall &amp; Weasel,</p> <p>17 production numbers 36227 through 36228.)</p> <p>18 BY MR. HALEY:</p> <p>19        Q. Mr. Cheatwood, I show you what's</p> <p>20 marked as Exhibit 11, which is a series of</p> <p>21 e-mail messages with the Bates stamps 36227</p> <p>22 and 36228, and at the top there's an e-mail</p> <p>23 from Scott Baker to you, copying Mr. Hall</p> <p>24 and Mr. Weasel.</p> <p>25        Who is Mr. Baker referring to</p>
<p>1        JOEL CHEATWOOD</p> <p>2 Doesn't know what it meant and what</p> <p>3 transpired beforehand."</p> <p>4        Did you make an effort to</p> <p>5 determine from somebody other than Mr.</p> <p>6 McCarthy or Mr. Emerson the significance of</p> <p>7 the 212(3)(B) classification?</p> <p>8        MR. GRYGIEL: Object to the</p> <p>9 form.</p> <p>10        A. Yes, we did.</p> <p>11        Q. And that was by contacting your</p> <p>12 confidential sources?</p> <p>13        A. Primarily, confidential sources.</p> <p>14        Also, other experts in the</p> <p>15 field, including a couple of academic</p> <p>16 professors who actually specialize in this</p> <p>17 part of the law. I don't recall who they</p> <p>18 were and I didn't make the direct contact.</p> <p>19        Q. Who made the direct contact?</p> <p>20        A. I believe Joe Weasel's team.</p> <p>21        Q. When you say "Joe Weasel's</p> <p>22 team," who is included in that?</p> <p>23        A. That would be Tom Orr, Ryan Cost</p> <p>24 and Nick Jones and Kate Wilke.</p> <p>25        Q. Was there any written work</p>	<p>Page 138</p> <p>1        JOEL CHEATWOOD</p> <p>2 there where he says: "And if Starnes is</p> <p>3 right, that he stands by the story, which</p> <p>4 he told Billy too."</p> <p>5        A. I believe he is referring to</p> <p>6 Todd Starnes, who was a digital reporter</p> <p>7 for foxnews.com.</p> <p>8        Q. And who is Billy?</p> <p>9        A. Billy, I believe he's referring</p> <p>10 to Billy Hallowell, who is a writer for</p> <p>11 theblaze.com.</p> <p>12        Q. Mr. Cheatwood, I show you what's</p> <p>13 been previously marked as Exhibit 84 in</p> <p>14 this action, a series of e-mail messages.</p> <p>15        In the middle of the page,</p> <p>16 there's an e-mail from you to Joe Weasel</p> <p>17 dated Monday, April 22nd at 3:52 p.m., and</p> <p>18 the subject is "On background from Sara,"</p> <p>19 and you're asking Mr. Weasel:</p> <p>20        "Have you been able to share</p> <p>21 with Sara what your sources are saying and</p> <p>22 the level of confidence you have in them?"</p> <p>23        Do you know if Mr. Weasel did</p> <p>24 that?</p> <p>25        A. Yes, I believe he did.</p>



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<p>1           JOEL CHEATWOOD</p> <p>2   Q. And Mr. Weasel says:</p> <p>3        "Yes, but that's what we were</p> <p>4 reviewing tomorrow, so I can go over all my</p> <p>5 notes and show her."</p> <p>6        So that review would have been</p> <p>7 on Tuesday, April 23rd; is that correct?</p> <p>8    MR. GRYGIEL: Object.</p> <p>9        Calls for speculation.</p> <p>10     A. I would have no way of knowing</p> <p>11 that for sure based on the e-mail. I would</p> <p>12 assume that to be.</p> <p>13     Q. At the top of the page, your</p> <p>14 message to Mr. Weasel at 4:05 p.m. on</p> <p>15 Monday, April 22nd, is:</p> <p>16        "Still feel solid or did we jump</p> <p>17 the gun?"</p> <p>18        Did you have some concern that</p> <p>19 TheBlaze had jumped the gun in reporting</p> <p>20 the story?</p> <p>21     MR. GRYGIEL: Object to the</p> <p>22 form.</p> <p>23     A. I did not.</p> <p>24        In fact, this was a question</p> <p>25 that I asked in a variety of different ways</p>	<p>1           JOEL CHEATWOOD</p> <p>2        In the very beginning, they</p> <p>3 didn't know exactly the role, but that</p> <p>4 became apparent and specific over a period</p> <p>5 of time. I don't think they became more</p> <p>6 sure. I think they collected more evidence</p> <p>7 that supported the finding.</p> <p>8        Q. But at this point, on Monday,</p> <p>9 April 22nd at 4:05 p.m., you are, based on</p> <p>10 the confidential sources, sure that Mr.</p> <p>11 Alharbi had a role in funding the Boston</p> <p>12 Marathon attacks?</p> <p>13     A. Yes. At this time, our</p> <p>14 confidential sources were adamant that he</p> <p>15 had a role in funding and organizing.</p> <p>16     Q. And they had been adamant as of</p> <p>17 what date?</p> <p>18     MR. GRYGIEL: If you know.</p> <p>19     A. I really don't know the exact</p> <p>20 date.</p> <p>21     Q. I direct your attention to</p> <p>22 Exhibit 68, and the second tab there, which</p> <p>23 is a transcript from Monday, April 22,</p> <p>24 2013, and my question relates to page 23 of</p> <p>25 the transcript, which bears the Bates stamp</p>
<p>1           JOEL CHEATWOOD</p> <p>2 of Mr. Weasel, and all of those involved</p> <p>3 with the story many, many times throughout</p> <p>4 the process.</p> <p>5        In my years of experience, what</p> <p>6 I've always been able to do with this sort</p> <p>7 of investigative story is challenge those</p> <p>8 who are working on it, and ensuring that</p> <p>9 their confidence level remains high, that</p> <p>10 we're not missing anything, and this was</p> <p>11 what I was doing with Mr. Weasel.</p> <p>12     Q. At this point, had your</p> <p>13 confidential sources told you that Mr.</p> <p>14 Alharbi was involved in directing and</p> <p>15 funding the Boston Marathon attacks?</p> <p>16     A. At this time, they believed he</p> <p>17 was involved in funding and organizing.</p> <p>18     Q. Did their statements to you</p> <p>19 about Mr. Alharbi's involvement change at</p> <p>20 all during this period? Did they become</p> <p>21 more sure or less sure at a certain point</p> <p>22 in time?</p> <p>23     A. I would say they, from the</p> <p>24 beginning, knew that there was involvement</p> <p>25 without a shadow of a doubt.</p>	<p>1           JOEL CHEATWOOD</p> <p>2 number 294.</p> <p>3        There, at the top of the page,</p> <p>4 Mr. Beck says to Mr. Burguiere:</p> <p>5        "Stu - you know we are working</p> <p>6 with people at very high levels, and those</p> <p>7 people are being threatened with 20 years</p> <p>8 in prison. 20 years in prison for trying</p> <p>9 to alert the press."</p> <p>10       Were you aware, Mr. Cheatwood,</p> <p>11 that the confidential sources were being</p> <p>12 threatened with 20 years in prison?</p> <p>13     MR. GRYGIEL: Again, you can</p> <p>14 answer the question, Joel, if you're</p> <p>15 comfortable in doing so, you won't be</p> <p>16 identifying the source or sources.</p> <p>17     A. We had been alerted from our</p> <p>18 confidential sources that there could be</p> <p>19 ramifications. They were not specific to</p> <p>20 us, necessarily, as to length of time, but</p> <p>21 that there could be ramifications beyond</p> <p>22 their termination.</p> <p>23     Q. And directing your attention to</p> <p>24 page 38 of the transcript, at the bottom of</p> <p>25 the page there, Mr. Beck, starting on line</p>

<p>1        JOEL CHEATWOOD 2 21, says: 3        "Because I think it would have 4 been much better if CNN, ABC and NBC would 5 have broken this, and I also think it would 6 have been much better if the federal 7 government would have come out." 8        Did you make efforts, Mr. 9 Cheatwood, to get CNN, ABC and NBC to go 10 with this story? 11        MR. GRYGIEL: Objection. 12        Asked and answered. You can 13 answer. 14        A. We specifically reached out to 15 ABC. I don't recall whether or not we made 16 specific overtures to CNN and NBC. 17        Q. And those outlets did not 18 proceed with the same story; is that 19 correct? 20        A. I don't know exactly to what 21 extent they covered the story. 22        Q. On the next page of the 23 transcript, page 39, Mr. Beck states on 24 line 3: "By Wednesday afternoon, we knew 25 it to be true." So that would have been on</p>	<p>Page 145</p> <p>1        JOEL CHEATWOOD 2 government was engaging in a disinformation 3 campaign about this story? 4        MR. GRYGIEL: Object to the 5 form. 6        A. The information provided by our 7 confidential sources who were directly 8 connected to the investigation was in 9 direct contrast to what the U.S. government 10 was putting out in terms of their 11 information. 12        We would take every reason, 13 excuse, remedy to the situation the U.S. 14 government would provide back to our 15 confidential sources, who would refute and 16 disprove it through the evidence that they 17 had direct access to. 18        Q. And towards the bottom of the 19 page, on page 40, on line 17, Mr. Beck 20 says: "But the first one was caught on 21 Monday, and we don't know at this point. I 22 can speculate, but I won't at this hour. I 23 can speculate, and I bet you can draw your 24 own conclusions as well as how he was 25 involved, but we do know that he was</p>
<p>1        JOEL CHEATWOOD 2 April 17th. 3        Is that consistent with your 4 memory of what you knew about Mr. Alharbi's 5 involvement? 6        MR. GRYGIEL: Object to the 7 form. 8        A. To the best of my recollection, 9 by Wednesday afternoon, we had a -- what I 10 would term as a critical mass of evidence 11 through our confidential sources that 12 definitively pointed to Mr. Alharbi. 13        Q. And pointed to him as somebody 14 who funded the Boston Marathon attacks? 15        A. Definitively pointed to his 16 involvement, most likely as the funder 17 and/or organizer. 18        Q. At the bottom of the page 39, 19 Mr. Beck says on line 25: 20        "And now the government is out 21 and out lying to you. They are engaging in 22 a disinformation campaign to discredit and 23 destroy." 24        What information did you have on 25 April 22nd that the United States</p>	<p>Page 146</p> <p>1        JOEL CHEATWOOD 2 involved." 3        So was there some uncertainty on 4 Monday, April 22nd about the nature of Mr. 5 Alharbi's involvement? 6        MR. GRYGIEL: Object to the 7 form. 8        A. As of April 22nd, we knew that, 9 according to our confidential sources, his 10 involvement had been as fundraiser and 11 organizer. 12        Q. Do you know why Mr. Beck is 13 saying "We don't know how he was involved"?</p> <p>14        A. I do not. 15        Q. Directing your attention to page 16 49 of the transcript, there on line 12, Mr. 17 Beck is saying: "Our president of 18 information and content and news on 19 TheBlaze, not only did he reach out inside 20 of these monolithic corporations of the 21 mainstream media and say, 'Guys, you know 22 me, this is right.'" 23        Is that you, Mr. Cheatwood? 24        Were you, in fact, at this time, 25 in April of 2013, the president of</p>

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1           JOEL CHEATWOOD 2 information and content as TheBlaze? 3           MR. GRYGIEL: Object to the 4 form. 5           A. He is referring to me. 6           Q. Did you have a conversation with 7 people within the mainstream media 8 referring to: Guys, you know me. This is 9 right? 10          A. As I've previously stated, the 11 approach was made to the Wall Street 12 Journal. The approach -- not by me 13 directly -- to ABC, but I definitively did 14 talk to the Wall Street Journal and made an 15 overture to Fox News. 16          Q. But you don't remember who you 17 talked to at The Wall Street Journal; 18 right? 19          MR. GRYGIEL: Objection. 20          A. No. 21          Q. And the overture to Fox News is 22 you left a voicemail message with Mr. 23 Hannity's producer? 24          A. That's correct. 25          Q. What does Mr. Beck mean by the	1           JOEL CHEATWOOD 2 background, and they were adamant about 3 that, without being completely specific as 4 to what branches of terrorism. 5           Q. Were you aware that Alharbi was 6 a very common name within Saudi Arabia? 7          A. Yes, we were. 8          Q. But you believed there was 9 information that connected Mr. Alharbi's 10 direct family to terrorists that were a 11 part of al Qaeda? 12          MR. GRYGIEL: Object to the 13 form. 14          A. Based on our confidential 15 sources, that was the case, yes. 16          Q. What did your confidential 17 sources tell you about those links? 18          A. Did not specify, again, as to 19 what branch of terrorism or what group 20 necessarily specifically he had the links 21 to, but indicated there was a family 22 history and a connection to known 23 terrorists. 24          Q. Directing your attention to page 25 80 of the transcript, the Bates stamp
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1           JOEL CHEATWOOD 2 word "mainstream media," do you know? 3          A. Generally speaking, the 4 mainstream media -- 5          MR. GRYGIEL: Objection. 6          You can answer if you can read 7 Glenn's mind. 8          A. I don't know exactly what his 9 definition is. 10         The mainstream media commonly is 11 the primary broadcast and cable news 12 networks and publications. 13         Q. Directing your attention on page 14 57 of Exhibit 68, and the Bates stamp 15 number 328, continuing with the transcript 16 from Monday, April 22nd, there on 12, Mr. 17 Beck says: "Abdul Rahman Ali Alharbi, his 18 clan is heavy with al Qaeda links." 19         What information did you have on 20 Monday, April 22nd that Mr. Alharbi and his 21 relatives were linked to people who were 22 part of al Qaeda? 23         A. Our confidential sources had 24 consistently told us that there were links 25 to terrorism in his family and in his	1           JOEL CHEATWOOD 2 number 351 in the lower right-hand corner, 3 there, on line 9, Mr. Beck is talking about 4 the staff, saying: 5           "They've been working around the 6 clock. They are very tired." 7           And says on line 11: 8           "We are very short-staffed." 9           Was that true, that the staff at 10 TheBlaze was less than what it needed to 11 be? 12          MR. GRYGIEL: Object to the 13 form. 14          A. For the purposes of reporting 15 this story, no. We had confidential 16 sources that gave us access that no other 17 media outlet had directly to the 18 investigation. 19          Q. Why was it that you thought the 20 confidential sources were speaking to you 21 instead of other media outlets? 22          MR. GRYGIEL: Objection. 23          A. I can't answer that. I don't 24 know. 25          Q. Mr. Cheatwood, I show you what's

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<p>1           JOEL CHEATWOOD</p> <p>2 been marked as Exhibit 85 in this action,</p> <p>3 which is an e-mail from you to Joe Weasel</p> <p>4 on Monday evening, April 22nd at 6:53 p.m.,</p> <p>5 forwarding a message from Mr. Beck in which</p> <p>6 he is reporting something on Twitter that</p> <p>7 appears to be information reported from</p> <p>8 Brett Baier at Fox News; is that correct?</p> <p>9           MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11          A. I believe that's correct.</p> <p>12          Q. Do you know why Mr. Beck was</p> <p>13 concerned with that?</p> <p>14          MR. GRYGIEL: Objection.</p> <p>15          A. To the best of my recollection,</p> <p>16 Mr. Baier had issued a Tweet that talked</p> <p>17 about the documents regarding Mr. Alharbi</p> <p>18 and indicated he had been told it was a</p> <p>19 case of mistaken identity.</p> <p>20          Q. Did you believe Mr. Baier was</p> <p>21 wrong in that instance?</p> <p>22          A. Yes, I did.</p> <p>23          Q. Mr. Cheatwood, I show you what's</p> <p>24 been marked as Exhibit 86, which is an</p> <p>25 e-mail from Scott Baker to you, copy to Joe</p>	<p>1           JOEL CHEATWOOD</p> <p>2          Q. Mr. Cheatwood, I show what's</p> <p>3 marked as Exhibit 87, which is a</p> <p>4 continuation of the earlier e-mails.</p> <p>5           The e-mail where Mr. Baker is</p> <p>6 running copy by you at 6:52 is then</p> <p>7 forwarded by you at 7:16 back to Mr. Baker,</p> <p>8 Joe Weasel and Glen Hall.</p> <p>9           And then you're sending an</p> <p>10 e-mail at 8:10 p.m. on the first page of</p> <p>11 the exhibit, to Mr. Weasel:</p> <p>12          "Sent you the Tweet. We need to</p> <p>13 have someone Tweet and ask who they are.</p> <p>14 He's buying mistaken identity. Wasn't that</p> <p>15 last week's excuse? Can Duncan's office</p> <p>16 explain?"</p> <p>17          The "Duncan" that you're</p> <p>18 referring to there is Congressman Duncan?</p> <p>19          MR. GRYGIEL: Object to the</p> <p>20 form.</p> <p>21          A. Yes, that's correct.</p> <p>22          Q. And the Tweet you're referring</p> <p>23 to there, is that the Tweet from Mr. Baier?</p> <p>24          A. Yes, it is.</p> <p>25          Q. So Mr. Weasel is asking: "Who</p>
<p>1           JOEL CHEATWOOD</p> <p>2 Weasel and Glen Hall, and he says:</p> <p>3            "He's running Jason's copy by</p> <p>4 you before we publish."</p> <p>5           There's a redaction there on</p> <p>6 line 3 where it says: "The Saudi national</p> <p>7 who was initially a person of interest in</p> <p>8 the Boston bombings was placed on a no-fly</p> <p>9 list or terror watch-list after he was</p> <p>10 detained, and before federal authorities</p> <p>11 determined whether he was involved in the</p> <p>12 attack or just a mere witness."</p> <p>13          Do you know who that is?</p> <p>14          MR. GRYGIEL: Same objection</p> <p>15 again, if the answer requires</p> <p>16 identification of a confidential source.</p> <p>17          A. I do not.</p> <p>18          Q. Do you know if this information</p> <p>19 was published by TheBlaze?</p> <p>20          A. I believe it was, yes.</p> <p>21          MR. GRYGIEL: When you say</p> <p>22 "TheBlaze," we're talking about the</p> <p>23 website?</p> <p>24          MR. HALEY: The website.</p> <p>25          A. Yes.</p>	<p>1           JOEL CHEATWOOD</p> <p>2 is our Twitter person?"</p> <p>3           And then you respond by saying:</p> <p>4            "Sara Johnson, but she's easily</p> <p>5 traceable. Better have someone like Tom</p> <p>6 O'Ryan Tweet and see what he says. I</p> <p>7 thought Duncan's guy talked to Brett."</p> <p>8           Who is "Duncan's guy"?</p> <p>9          MR. GRYGIEL: Object to the</p> <p>10 form.</p> <p>11          A. I don't recall what his guy's</p> <p>12 name was.</p> <p>13          Q. But what was his relationship to</p> <p>14 Congressman Duncan?</p> <p>15          A. My understanding was, he was a</p> <p>16 top aide in the Congressman's office.</p> <p>17          Q. And why were you concerned with</p> <p>18 whether or not a Tweet from Ms. Johnson</p> <p>19 would be traceable?</p> <p>20          A. At that point, we wanted to</p> <p>21 reach out to Brett to have him tell us who</p> <p>22 he was quoting in terms of his information,</p> <p>23 and we felt that we wanted to do it without</p> <p>24 bringing any attention that might be</p> <p>25 negative for him.</p>

<p>Page 157</p> <p>1        JOEL CHEATWOOD 2    Q. And why would a Tweet from 3 Ms. Johnson be negative for Mr. Baier? 4    A. Because Tweets are public. We 5 didn't want to start anything from a public 6 standpoint. We had hoped to just reach out 7 to him privately and try to get the source 8 of his information. 9    Q. What would prevent you from 10 simply calling Mr. Baier and asking him 11 that? 12   A. I believe, to the best of my 13 recollection, a call was placed, was not 14 successful. We didn't reach him. We were 15 looking for alternative means to reach him. 16   Q. Your e-mail back to Mr. Weasel 17 at 8:15 p.m. says: 18        "Ugh. Feel like we're pushing 19 the boulder up the hill and a bunch of 20 people keep jumping on for the ride." 21        What did you mean by that? 22   A. At this point, the government 23 was changing their story and putting out 24 what we regarded, based on our confidential 25 sources, as pure misinformation and</p>	<p>Page 159</p> <p>1        JOEL CHEATWOOD 2    A. No. 3    Q. And wouldn't that be part of 4 producing the news, though, would be to 5 attract more viewers to the website, the 6 radio program, the television program? 7        MR. GRYGIEL: Objection. 8    A. At this point in time, 9 viewership and the levels of viewership 10 were the least of my concerns. 11   Q. At some point in time, were they 12 a greater concern? 13   A. Not in the case of this story, 14 no. 15   Q. TheBlaze is a for-profit entity; 16 correct? 17   A. Yes, it is. 18   Q. And the more people who 19 subscribe to it or view it, the greater its 20 economic portions will be? 21   A. Theoretically, yes. 22   Q. When you say "theoretically," is 23 there some reason why practically that 24 wouldn't be the case? 25   A. There are a variety of aspects</p>
<p>Page 158</p> <p>1        JOEL CHEATWOOD 2 disinformation to the point that we were 3 spending an enormous amount of time 4 disproving the assertions that the 5 government was offering. And it felt like 6 we were pushing the boulder up the hill in 7 trying to keep pace with the disinformation 8 they were providing. 9    Q. When you say "The problem is, we 10 can't maintain momentum," what did you mean 11 by that? 12   A. In a story like this, where it's 13 unfolding and continuing to be organic in 14 terms of its development, you want to 15 create new information, develop new 16 information through facts and try to expand 17 upon the information you have. 18        It was difficult to maintain 19 that effort because we were spending so 20 much time going back to our confidential 21 sources with the various elements of 22 misinformation and disinformation being put 23 out by the government. 24    Q. And by "momentum," did you also 25 mean viewership?</p>	<p>Page 160</p> <p>1        JOEL CHEATWOOD 2 and conditions that go into running a 3 business, a media business. 4        Additional subscriptions of 5 viewership or readership doesn't always 6 translate into pure profit. 7    Q. But it generally does translate 8 into greater revenue; is that correct? 9    A. Greater cash flow. Not 10 necessarily revenue. 11   Q. What does the difference between 12 cash flow and revenue mean? 13   A. Well, net revenue. 14   Q. So income? 15        What I meant by revenue is cash 16 in, and income being the profit part of 17 that. 18        MR. GRYGIEL: Object to the 19 form. 20    A. Well, it can result in greater 21 overall cash flow; not necessarily net 22 revenue, depending on circumstances. 23        (Exhibit 112 for 24 identification, E-mail from Mr. Iglar to 25 Mr. Cheatwood.)</p>

<p>1           JOEL CHEATWOOD 2 BY MR. HALEY: 3     Q. Mr. Cheatwood, I show you what's 4 marked as Exhibit 112, which is an e-mail 5 from Mark Iglar to you on Monday, 6 April 22nd at 10:58 p.m. 7     Who is Mr. Iglar? 8     A. At that point, Mr. Iglar was the 9 chief security officer from Gavin de Becker 10 attached to Glenn Beck. 11    Q. Who is Gavin de Becker? 12    A. Gavin de Becker is the name of a 13 person and also a security firm that 14 provided security for Mr. Beck. 15    Q. And was Mr. Iglar, part of his 16 role to provide information to TheBlaze? 17    A. Mr. Iglar's role was to pass 18 along the e-mails to Glenn. Glenn, for 19 reasons of privacy, did not maintain a 20 private e-mail account. 21    Q. And Mr. Iglar acted as, what, 22 somebody who sent along Mr. Beck's e-mails? 23    A. Typically, an e-mail that was 24 sent to Mark Iglar for Glenn resulted in 25 Mark handing his iPhone to Glenn so he</p>	<p>Page 161</p> <p>1           JOEL CHEATWOOD 2 never a subject -- he was never even really 3 a person of interest. 4           "Because he was being 5 interviewed, he was at that point put on a 6 watch-list. And then when it was quickly 7 determined he had nothing to do with the 8 bombing, the watch-listing status was 9 removed." 10          Did you become aware of this 11 testimony by Secretary Napolitano? 12          A. Yes. 13          Q. And did you believe it to be 14 inaccurate? 15          A. I believed it to be patently 16 false. 17          Q. And the basis of that belief was 18 what? 19          A. The information and evidence 20 provided by multiple confidential sources. 21          Q. And the multiple confidential 22 sources were the four sources you spoke 23 about earlier; correct? 24          A. That's correct. 25          Q. And after this testimony was</p>
<p>1           JOEL CHEATWOOD 2 could read it. 3     Q. So your e-mail at Monday, 4 April 22nd at 9:49 p.m. to Mr. Iglar was, 5 by sending it to Mr. Iglar, you were 6 intending that it be received by Mr. Beck? 7     A. That's correct. 8     Q. Mr. Cheatwood, I show you what's 9 been previously marked in this matter as 10 Exhibit 88, which is a transcript of a 11 Congressional hearing before the Senate 12 Judiciary Committee on April 23, 2013, and 13 at the page numbered 11550-0013, which 14 appears on the lower right-hand corner of 15 the document, Secretary Napolitano is asked 16 a question by Senator Grassley: 17           "With regard to the Saudi 18 student, was he on a watch-list; and, if 19 so, how did he obtain a student Visa?" 20          And Secretary Napolitano 21 responds by saying: 22           "He was not on a watch-list. 23 What happened is, this student was -- 24 really, when you back it -- he was in the 25 wrong place at the wrong time. He was</p>	<p>Page 162</p> <p>1           JOEL CHEATWOOD 2 provided by Secretary Napolitano, did you 3 go back to those sources to ask them about 4 this? 5          A. Absolutely. One of many, many, 6 many times we went back to our confidential 7 sources to check the information the 8 government was providing against the facts 9 of the case. 10         Q. And what did the confidential 11 sources say to you? 12         A. They said the statement was 13 patently false. 14         Q. And was that all four sources or 15 one? 16         A. It, as I recall, was all four. 17         Q. Did you have any of those 18 conversations yourself? 19         A. I did not. 20         Q. Who had those conversations? 21         A. Joe Weasel. 22         Q. Did you have any understanding 23 or any belief as to why Secretary 24 Napolitano would provide testimony that was 25 false?</p>

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<p>1           JOEL CHEATWOOD</p> <p>2   A. I couldn't tell you.</p> <p>3   Q. Mr. Cheatwood, I show you what's</p> <p>4 been previously marked as Exhibit 89 in</p> <p>5 this matter, which is an e-mail to Joe</p> <p>6 Weasel, dated April 23rd at 6:52 a.m., from</p> <p>7 what appears to be -- do you know if this</p> <p>8 was from one of your confidential sources?</p> <p>9   A. I don't have direct knowledge of</p> <p>10 that.</p> <p>11   Q. Do you know who this was from?</p> <p>12   A. I do not.</p> <p>13   Q. And the person who is sending</p> <p>14 the e-mail to Mr. Weasel on Tuesday morning</p> <p>15 at 6:52 a.m. says, in the next-to-last</p> <p>16 paragraph: "In all, two Saudis with no</p> <p>17 proven links to the bombing conspiracy."</p> <p>18   Did Mr. Weasel ever share that</p> <p>19 information with you?</p> <p>20   MR. GRYGIEL: Just be clear that</p> <p>21 you read the entire e-mail, Joel, before</p> <p>22 you answer that question.</p> <p>23   A. Okay. I've read it.</p> <p>24   Can you repeat the question?</p> <p>25   Q. Sure. Let me do this. Let me</p>	<p>1           JOEL CHEATWOOD</p> <p>2   Q. So in addition to the four</p> <p>3 primary confidential sources, there was a</p> <p>4 further confidential or fifth confidential</p> <p>5 source?</p> <p>6   A. There were actually several</p> <p>7 other confidential sources that we relied</p> <p>8 on for context and perspective, primarily.</p> <p>9   Q. And when Mr. Weasel sent this to</p> <p>10 you, in which this source is saying "In</p> <p>11 all, two Saudis with no proven links to the</p> <p>12 bombing conspiracy," did you ever discuss</p> <p>13 that with him?</p> <p>14   A. Yes, I did.</p> <p>15   Q. What discussion did you have</p> <p>16 with him?</p> <p>17           MR. GRYGIEL: Be clear which two</p> <p>18 Saudis we're talking about here. You can</p> <p>19 answer with that --</p> <p>20           THE WITNESS: Right.</p> <p>21   A. The first thing we did is went</p> <p>22 back to our primary confidential sources to</p> <p>23 check the information that had been</p> <p>24 provided by this source.</p> <p>25           And, again, they were adamant in</p>
Page 166	Page 168
<p>1           JOEL CHEATWOOD</p> <p>2 also show you Exhibit 90, which Exhibit 90</p> <p>3 is forwarding that same e-mail to you at</p> <p>4 9:35 a.m. from Mr. Weasel.</p> <p>5   And Mr. Weasel forwards it</p> <p>6 saying: "Absolutely don't forward. Can't</p> <p>7 out his e-mail address or code name."</p> <p>8   Did one of the confidential</p> <p>9 sources have a code name?</p> <p>10   MR. GRYGIEL: If you can answer</p> <p>11 without identifying the source.</p> <p>12   A. I don't recall. I don't recall</p> <p>13 a code name.</p> <p>14   Q. Does this refresh your</p> <p>15 recollection about whether the person who</p> <p>16 sent the 6:52 a.m. e-mail was one of the</p> <p>17 confidential sources?</p> <p>18   A. To the best of my recollection,</p> <p>19 this was not one of the primary</p> <p>20 confidential sources.</p> <p>21   Q. So when you say "not one of the</p> <p>22 primary," so that would have been one of</p> <p>23 the four people that you testified about</p> <p>24 earlier?</p> <p>25   A. This was not one of the four.</p>	<p>1           JOEL CHEATWOOD</p> <p>2 that the evidence that had been presented</p> <p>3 and that was continuing to be presented to</p> <p>4 them linked Alharbi to the conspiracy.</p> <p>5   The two Saudis that were</p> <p>6 mentioned in the final -- the</p> <p>7 second-to-last paragraph did not include</p> <p>8 Alharbi.</p> <p>9   Q. And in the first paragraph,</p> <p>10 where it says that "Alharbi was not free to</p> <p>11 leave custody until Wednesday at 5:35 p.m.,</p> <p>12 when his record was changed and they</p> <p>13 rescinded the INA 212(a)(3)(B)(i)(II),"</p> <p>14 that information, that the 212(3)(B) status</p> <p>15 had been rescinded, did you believe that to</p> <p>16 be accurate?</p> <p>17           MR. GRYGIEL: Object to the</p> <p>18 form.</p> <p>19   A. We knew, according to our</p> <p>20 confidential sources, that at that point,</p> <p>21 on Wednesday, the record had been not only</p> <p>22 rescinded, but removed from circulation.</p> <p>23   Q. And did you ever report that?</p> <p>24   A. We did.</p> <p>25   Q. And when did you report that?</p>

<p>1           JOEL CHEATWOOD</p> <p>2       A. I believe we reported it, to the</p> <p>3 best of my recollection, on Wednesday. It</p> <p>4 may have been Tuesday.</p> <p>5       Q. And Wednesday, the 24th; or</p> <p>6 Wednesday, the 17th?</p> <p>7       A. No. I'm sorry, it would have</p> <p>8 been Wednesday, the week of the actual</p> <p>9 bombing.</p> <p>10      Q. So that Wednesday, by the week</p> <p>11 of the actual bombing, you knew that Mr.</p> <p>12 Alharbi had not been designated or did not</p> <p>13 remain as a person designated under</p> <p>14 212(a)(3)(B)?</p> <p>15      MR. GRYGIEL: Object to the</p> <p>16 form.</p> <p>17      A. We knew as of Wednesday that his</p> <p>18 file had been removed.</p> <p>19      Q. Here the source is saying that</p> <p>20 the status had been rescinded.</p> <p>21      Did you regard that as meaning</p> <p>22 the file had been removed?</p> <p>23      A. We actually -- almost, as I</p> <p>24 recall, it was an act that happened in</p> <p>25 succession.</p>	<p>Page 169</p> <p>1           JOEL CHEATWOOD</p> <p>2       MR. GRYGIEL: Objection.</p> <p>3       A. We knew based on the information</p> <p>4 provided to us by our confidential sources</p> <p>5 that they were taking a risk that certainly</p> <p>6 would have significant impact on their</p> <p>7 lives. That was clear.</p> <p>8       Q. Directing your attention to page</p> <p>9 49 in the transcript, Bates stamp number</p> <p>10 509, there Mr. Beck is making reference to</p> <p>11 the event file, and says on line 5:</p> <p>12      "What does this mean? That</p> <p>13 means this guy doesn't have one event.</p> <p>14 When they opened this while he was at the</p> <p>15 hospital, they found he's already in the</p> <p>16 system. He's already a 212(3)(B)."</p> <p>17      Was that something that your</p> <p>18 confidential sources told you, that prior</p> <p>19 to the Boston Marathon attacks on April 15,</p> <p>20 2013, Mr. Alharbi had already been</p> <p>21 classified under Section 212(3)(B)?</p> <p>22      MR. GRYGIEL: Object to the</p> <p>23 form.</p> <p>24      A. Our confidential sources, and</p> <p>25 based on the evidence they provided,</p>
<p>1           JOEL CHEATWOOD</p> <p>2       They rescinded the 212(a)(3)(B)</p> <p>3 at the same time that his entire event file</p> <p>4 was removed from access to law enforcement.</p> <p>5       MR. HALEY: Off the record.</p> <p>6       (A recess was taken.)</p> <p>7 BY MR. HALEY:</p> <p>8       Q. Mr. Cheatwood, if I can direct</p> <p>9 your attention again to the next tab in</p> <p>10 Exhibit 68, the transcript, and this is a</p> <p>11 transcript from the program on April 24,</p> <p>12 2013, and my question relates to page 10,</p> <p>13 which has the Bates stamp number 470 on it.</p> <p>14      On line 14, Mr. Beck says:</p> <p>15      "I will tell you that, you know,</p> <p>16 we are working with some extraordinarily</p> <p>17 brave men and women in the federal law</p> <p>18 enforcement community, as well as the</p> <p>19 federal government, that are risking not</p> <p>20 only their livelihoods, but at this point,</p> <p>21 are risking their lives to bring this</p> <p>22 information to us."</p> <p>23      Did you have any information</p> <p>24 that people who were providing information</p> <p>25 to you were risking their lives?</p>	<p>Page 170</p> <p>1           JOEL CHEATWOOD</p> <p>2 indicated that there was a prior event, to</p> <p>3 the best of my knowledge. The nature of</p> <p>4 the event was not specified.</p> <p>5       Q. If I could direct your attention</p> <p>6 to the next tab, which is dated May 1,</p> <p>7 2013, and specifically page 8, which bears</p> <p>8 the Bates stamp number 830.</p> <p>9       On line 12, Mr. Beck says:</p> <p>10      "Theblaze.com had record traffic</p> <p>11 last month."</p> <p>12      And goes on, on line 15, to say:</p> <p>13      &gt;Last month, we had 14 million</p> <p>14 unique visitors and more than 115 million</p> <p>15 page views."</p> <p>16      Was that information accurate,</p> <p>17 as far as you know?</p> <p>18      A. I do not know.</p> <p>19      Q. Do you have any reason to</p> <p>20 believe it's inaccurate?</p> <p>21      A. I don't recall the specific</p> <p>22 numbers. I really can't speak to its</p> <p>23 accuracy otherwise.</p> <p>24      Q. And then on line 17 at page 12,</p> <p>25 Bates stamp number 834, on line 17, Mr.</p>

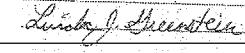
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<p>1           JOEL CHEATWOOD</p> <p>2 Beck says: "If you remember, the person of</p> <p>3 interest from Saudi Arabia in the Boston</p> <p>4 Marathon bombing was Alharbi, completely</p> <p>5 off the DHS radar screen."</p> <p>6           And then he goes on, on page 13,</p> <p>7 at line 2, to say:</p> <p>8           "Nobody from the media cares</p> <p>9 about this guy."</p> <p>10          And then he says at line 4:</p> <p>11          "I don't know how this guy was</p> <p>12 involved, but he's involved."</p> <p>13          On May 1st, was it accurate to</p> <p>14 say that TheBlaze did not know how Mr.</p> <p>15 Alharbi was involved in the Boston Marathon</p> <p>16 attacks?</p> <p>17          A. No. Based on the information</p> <p>18 provided by our chief confidential source</p> <p>19 and verified by the other confidential</p> <p>20 sources, the understanding was that he was</p> <p>21 involved with financing and organizing the</p> <p>22 Boston bombing.</p> <p>23          Q. Do you know why Mr. Beck is</p> <p>24 saying: "I don't know how he's involved"?</p> <p>25          A. I do not.</p>	<p>1           JOEL CHEATWOOD</p> <p>2 investigation progressed and as it</p> <p>3 developed organically, our confidential</p> <p>4 sources became completely convinced that</p> <p>5 that had been his role.</p> <p>6          Q. And when you say "completely</p> <p>7 convinced," at what point were they</p> <p>8 completely convinced, or did they</p> <p>9 communicate that to you?</p> <p>10         MR. GRYGIEL: Object to the</p> <p>11 form.</p> <p>12         A. I don't know what date that they</p> <p>13 arrived at that. That was certainly their</p> <p>14 considered judgement going into this, once</p> <p>15 the event occurred and once they</p> <p>16 established he had not actually triggered</p> <p>17 the bombs themselves.</p> <p>18         But certainly I would say</p> <p>19 between May 1st and May 8th, our chief</p> <p>20 confidential source, who has a deep</p> <p>21 background in investigating terror cells –</p> <p>22 how they're created, how they're funded,</p> <p>23 how they're executed, has a deep background</p> <p>24 since 2009 in ISB and the operations of</p> <p>25 that organization, its links to terror --</p>
<p>1           JOEL CHEATWOOD</p> <p>2          Q. Do you know why up until this</p> <p>3 point, May 1, 2013, there's never any</p> <p>4 reference to Mr. Alharbi's role in funding</p> <p>5 the attacks?</p> <p>6          MR. GRYGIEL: Objection to the</p> <p>7 question.</p> <p>8          A. I don't understand the question.</p> <p>9          Q. So from the date of the event,</p> <p>10 April 15, 2013, to May 1, 2013, shortly</p> <p>11 thereafter, your testimony was based on</p> <p>12 your confidential sources, you determined</p> <p>13 that Mr. Alharbi had a role in funding the</p> <p>14 attacks.</p> <p>15          My question is: Why is there no</p> <p>16 reference to his role as a funder of the</p> <p>17 attacks between April 15th and May 1, 2013?</p> <p>18          MR. GRYGIEL: Object to the</p> <p>19 form.</p> <p>20          A. At that point, for the period</p> <p>21 leading up to May 1st, it seemed more</p> <p>22 important to us to establish his</p> <p>23 involvement.</p> <p>24          It was less of a concern as to</p> <p>25 what specific role he played, but as the</p>	<p>1           JOEL CHEATWOOD</p> <p>2 became absolutely convinced that that was</p> <p>3 the role.</p> <p>4          Q. Did you know if he ever</p> <p>5 communicated that to anyone else?</p> <p>6          A. I have no idea.</p> <p>7          Q. Are you aware of why the</p> <p>8 government wouldn't have pursued Mr.</p> <p>9 Alharbi if he had been the person who</p> <p>10 funded the attacks?</p> <p>11         A. You would have to ask them.</p> <p>12         Q. Did you ever ask them?</p> <p>13         A. Hundreds and hundreds of times.</p> <p>14         Q. And what was their response?</p> <p>15         A. Typically, no response.</p> <p>16         Q. If I could direct your attention</p> <p>17 to the transcript of broadcast May 8, 2013,</p> <p>18 and page 21.</p> <p>19         During this period, May 1st to</p> <p>20 May 8, 2013, was there continuing</p> <p>21 communication with the confidential</p> <p>22 sources?</p> <p>23         A. Continuous, yes.</p> <p>24         Q. And who was having that</p> <p>25 communication?</p>

<p>1           JOEL CHEATWOOD 2   A.  Joe Weasel. 3   Q.  And what form did the 4   communication take: E-mail, meetings in 5   person, phone? Do you know? 6   A.  You would have to ask Joe what 7   the specific connection was. 8       I would -- to the best of my 9   recollection, phone. 10   Q.  And is this a story that you 11   were still pursuing in this period, May 1st 12   to May 8th? 13   A.  Absolutely. 14   Q.  Was there a particular 15   communication between May 1st and May 8th 16   that changed the story or changed the 17   reporting? 18       MR. GRYGIEL: Object to the 19   form. There's been no foundation that any 20   reporting has been changed. 21   A.  I would agree. 22       I don't think that the nature of 23   the reporting changed at all. 24   Q.  Well, on May 1, 2013, Mr. Beck 25   states: "I don't know how Mr. Alharbi was</p>	<p>Page 177</p> <p>1           JOEL CHEATWOOD 2   to work that angle of the investigation. 3       And, again, based on his deep 4   knowledge of ISB and terrorism and 5   terrorism cells specifically in that area, 6   combined with the evidence that he had 7   complete access to, had absolutely without 8   a shadow of a doubt come to that 9   conclusion. 10   Q.  And was there a meeting on the 11   morning of May 8th and the afternoon of 12   May 8th to discuss the program? 13   A.  I don't have a specific 14   recollection. I would assume there was. 15   Q.  And was the Boston Marathon 16   attack to be a subject of the program on 17   that day? 18   A.  I believe it was. 19   Q.  And other than this reference, 20   how come there are no remarks or statements 21   about the attack? 22       MR. GRYGIEL: Objection. 23   A.  Remarks or statements where? 24   Q.  Well, so the program that day 25   seems to be focused on what's going on in</p>
<p>1           JOEL CHEATWOOD 2   involved." 3       Correct? 4   A.  According to the transcript. 5   Q.  Do you have some reason to 6   believe the transcript is inaccurate? 7   A.  I can't verify it myself, but I 8   would assume it's accurate. 9   Q.  And so then, on May 8th, on page 10   21 of the Exhibit 68, Mr. Beck states at 11   line 21: 12       "You have the Saudi that they 13   know in advance, and you know who the Saudi 14   is? The money man. That's who the Saudi 15   is. He's the guy who actually paid for it. 16   He's the money man." 17       So was there something between 18   May 1st and May 8th that you're aware of 19   that would have changed Mr. Beck's 20   reporting or statements on this? 21       MR. GRYGIEL: Object to the 22   form. 23   A.  To the best of my recollection, 24   there were multiple conversations with our 25   chief confidential source who had continued</p>	<p>Page 178</p> <p>1           JOEL CHEATWOOD 2   Cleveland or what's going on someplace 3   else. There really isn't a focus on the 4   Boston Marathon attack. 5       This seems to come up as a 6   sideline issue, reviewing the transcript. 7       MR. GRYGIEL: Objection. 8       You can answer the question if 9   you understand it. 10   A.  Not being involved in the 11   production of the radio program, I don't 12   know why the choice was made. 13   Q.  On page 22 of the transcript, 14   Mr. Burguiere asked Mr. Beck: 15       "I mean, is this -- is this 16   speculation or are you reporting something 17   or somewhere in between? Is that what 18   we're learning?" 19       Was that an unusual question for 20   Mr. Burguiere to ask? 21   A.  No. It's in keeping with the 22   nature of their relationship, the roles 23   that they play on the radio show, and 24   Steve, or "Stu," as he's more commonly 25   known as, is always the sort of person who</p>

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<p>1           JOEL CHEATWOOD 2 asks the questions and forces Glenn to 3 answer. 4        Q. Your meeting with the primary 5 confidential source in May in D.C., was 6 that before or after May 8th? 7        MR. GRYGIEL: Objection to the 8 question. Can I have it read pack. 9           (Requested portion of record 10 read.) 11        MR. GRYGIEL: The only thing I 12 object to, Peter, just so the record is 13 clear, I don't think Mr. Cheatwood 14 characterized the source he met with as the 15 primary confidential source, as you've been 16 using the term throughout the deposition. 17        MR. HALEY: Okay. Fair enough. 18 BY MR. HALEY: 19        Q. So your meeting with the source 20 in D.C. in May, was that before or after 21 May 8th? 22        A. I believe it was after May 8th. 23        Q. Mr. Cheatwood, I show you what's 24 been marked as Exhibit 96 in this matter, 25 which is an e-mail from Sara Johnson to</p>	<p>1           JOEL CHEATWOOD 2        A. We felt this was a story of 3 great public interest. 4        Q. Did you receive reports of 5 income and revenues on TheBlaze? 6        A. I was copied on some. Not all. 7        Q. Mr. Cheatwood, I show you what's 8 been previously marked as Exhibit 100 in 9 this matter, and it is an e-mail attaching 10 what's referred to as an April SEO report. 11        Have you seen this before? 12        A. I have not. 13        Q. Do you know what this is? 14        A. I do not. 15           (Exhibit 113 for 16 identification, E-mail from Mr. Creter to 17 Mr. Cheatwood, production numbers 35052.) 18 BY MR. HALEY: 19        Q. Mr. Cheatwood, I show you what's 20 been marked as Exhibit 113, which is an 21 e-mail bearing the Bates stamp number 22 35052. 23        It's an e-mail to you from Mr. 24 Creter at the Gavin de Becker agency. 25        It says that: "We have received</p>
<p>1           JOEL CHEATWOOD 2 Glen Hall. 3        Have you seen this before? 4        A. Yes. 5        Q. And it says there that: 6        "Mr. Beck is going to be pushing 7 212(3)(B) to help spread this story on 8 social. Would you mind asking the editors 9 to use hashtags and Tweets about the doc 10 and related stories." 11        And then in the e-mail at the 12 top of the page, she changes that to: 13        "Glenn Beck would like to use 14 the hashtag Blaze 212(3)(B) instead." 15        Is this something that you were 16 involved with at all? 17        A. I was made aware of it. I was 18 not directly involved. 19        Q. And was spreading the story on 20 social media something that was important 21 to TheBlaze? 22        A. It was important from the 23 context of trying to generate basically a 24 broader exposure to the story. 25        Q. And why was that important?</p>	<p>1           JOEL CHEATWOOD 2 the below request for further information 3 regarding Abdul Rahman Ali Alharbi." 4        And then it says: 5        "We are not aware of or able to 6 confirm anything related to Abdul Rahman 7 Ali Alharbi." 8        Is this a request that was made 9 by you to the de Becker agency? 10       A. Yes. 11       Q. And other than your request to 12 the de Becker agency, did you use any other 13 outside sources to try and develop 14 information on Mr. Alharbi? 15       A. We used confidential sources, 16 yes. 17       Q. And those are the confidential 18 sources that you've testified to 19 previously; is that correct? 20       A. That's correct. 21       Q. Was there anyone else that you 22 used? Did you employ any law firms or any 23 other investigative agencies? 24       A. We did not. 25       Q. And the cc here on Thursday,</p>

<p>1           JOEL CHEATWOOD 2 April 25th to Mark Iglar, or, more 3 importantly, your message at the bottom of 4 the page at 7:43 a.m., that was a message 5 that was intended to be directed to Mr. 6 Beck? 7           A. No. This was directed to Mark 8 Iglar, who was the chief agent for Gavin de 9 Becker attached to Glenn's security detail. 10          Q. So why is the subject: "For 11 GB"? 12          A. This was, as I recall, resulting 13 in a conversation that I had had with 14 Glenn, where he suggested that Gavin de 15 Becker's organization might be able to 16 develop information on Mr. Alharbi in Saudi 17 Arabia. 18          Q. Mr. Cheatwood, I show you what's 19 previously been marked as Exhibit 101, 20 which is a message from Joe Weasel to 21 Patrick Poole. 22          And Mr. Poole, in the first 23 e-mail message at 11:10 a.m., is stating 24 that: "Somebody is calling in this week 25 and he's meeting -- he will have his union</p>	<p>Page 185</p> <p>1           JOEL CHEATWOOD 2 e-mail messages. 3           On the second page is an e-mail 4 from Mr. Joe Strupp at Media Matters to 5 Virginia Grace asking about an e-mail that 6 starts at the bottom of the second page, 7 1136, and goes over to the second page -- 8 or the third page, rather, 1137. 9           It appears to be directed to 10 members of Congress. 11          Is this an e-mail that TheBlaze 12 sent out? 13          MR. GRYGIEL: Which e-mail are 14 we talking about? 15          MR. HALEY: The e-mail in 16 italics. 17 BY MR. HALEY: 18          Q. So Mr. Strupp writes: 19            "I'm a reporter working on a 20 potential story on this e-mail (below) you 21 sent to most members of Congress related to 22 the Boston Marathon bombing." 23          And my question to you, Mr. 24 Cheatwood, is: Did TheBlaze send out this 25 e-mail in italics to most members of</p>
<p>1           JOEL CHEATWOOD 2 rep with him." 3           Was this person one of your 4 confidential sources? 5           MR. GRYGIEL: Object to the 6 extent, if answering this question, Joel, 7 would provide information that could lead 8 to disclosure of the source's identity, if 9 it's a situation where you would want to 10 invoke the First Amendment Reporter's 11 Privilege, if you know. 12          A. I have no direct knowledge of 13 who he was speaking about. 14          Q. Do you know why Mr. Weasel is 15 writing to Mr. Poole at the top of the 16 page: "Maybe in the end this will be a 17 good thing"? 18          A. I do not. 19           (Exhibit 114 for 20 identification, Series of e-mail messages, 21 including e-mail from Mr. Joe Strupp to 22 Virginia Grace.) 23 BY MR. HALEY: 24          Q. Mr. Cheatwood, I show you what's 25 marked as Exhibit 114, which is a series of</p>	<p>Page 186</p> <p>1           JOEL CHEATWOOD 2 Congress? 3          A. Can I take a moment to read 4 this? 5          Q. Of course. 6          A. Yes, I believe this was 7 generated by TheBlaze. 8          Q. What was the purpose of the 9 e-mail? 10         MR. GRYGIEL: Just so we're 11 clear on the record, when you say 12 "TheBlaze" in that sentence, who are you 13 referring to? 14         A. This, I believe, was generated 15 -- this actually, I believe, was composed 16 and sent by a producer on Glenn's program, 17 Glenn Beck's program. 18         Q. Who was the producer? 19         A. Virginia Grace. 20         Q. And what was the purpose, if you 21 know, in sending it out? 22         A. This was a result of I think 23 overall frustration at the stonewalling and 24 disinformation that was being -- really the 25 norm in dealing with government agencies,</p>

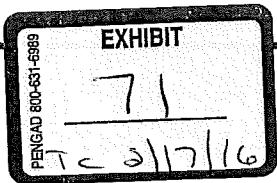
Page 189	Page 191
<p>1           JOEL CHEATWOOD 2 trying to get information and confirmation 3 on this case. 4           The decision was made to reach 5 out to members of Congress to see if they 6 would, in fact, demand action on the part 7 of Janet Napolitano in releasing 8 information and addressing the questions 9 that we had been raising as a news 10 organization. 11          Q. And on the first page of the 12 exhibit, there's an e-mail from Josh 13 Raffel. 14          Who is Mr. Raffel? 15          A. At that time, Josh Raffel was a 16 media relations person employed by an 17 outside agency. 18          Q. And that was HS Strategies or -- 19          A. Yes. 20          Q. And and Mr. Raffel in his e-mail 21 of April 25th, 3:32 p.m.: "Can we find the 22 leak?" 23          Do you know what he's referring 24 to there? 25          A. I believe he's referring to the</p>	<p>1           JOEL CHEATWOOD 2          A. Not in the sense of the validity 3 of the information. 4           As a journalist, you always want 5 someone to step forward, if at all 6 possible, and reveal themselves with the 7 information. This was not possible in this 8 case and we understood that. Never doubted 9 the validity of the information. 10         Q. And with respect to the 11 verifying the information that was provided 12 by the confidential sources, you had the 13 two documents that we reviewed, Exhibit 60 14 and 61, and the information provided to you 15 by the confidential sources; is that 16 correct? 17         MR. GRYGIEL: Objection. 18         I think that seriously 19 mischaracterizes the testimony, Peter, but 20 you may answer. 21         A. We literally had hundreds of 22 hours of conversation with multiple 23 conversational sources that supported the 24 facts that we presented. 25         Q. And those sources were the</p>
<p>1           JOEL CHEATWOOD 2 person or individual who might have given 3 this to the Media Matters reporter. 4           MR. HALEY: I don't think I have 5 too much more. 6           I'll take a few minutes to look 7 at my notes, make sure I don't have 8 anything else, and I'll get you guys out of 9 here. 10         (A recess was taken.) 11 BY MR. HALEY: 12          Q. Mr. Cheatwood, with respect to 13 the story about Mr. Alharbi's funding the 14 Boston Marathon attacks, is it fair to say 15 that TheBlaze was unsuccessful in ever 16 getting a source to publicly go on the 17 record to verify that story? 18         MR. GRYGIEL: Object to the 19 form. 20          A. The information came from 21 confidential sources. They did not 22 publicly go on the record. 23          Q. And was that a concern to you, 24 that you couldn't get anyone to publicly go 25 on the record?</p>	<p>1           JOEL CHEATWOOD 2 confidential sources? 3          A. Primarily the confidential 4 sources, but also experts in the area that 5 we relied upon for perspective, context, 6 confirmation, that aided in our painting 7 the full picture. 8          Q. And those were the experts that 9 you testified about earlier; is that 10 correct? 11         A. That's correct. 12         MR. HALEY: I don't have any 13 further questions. 14         I'll suspend to the extent the 15 Court may order the confidential sources 16 disclosed, I'll reserve the right to 17 question Mr. Cheatwood about those sources 18 at that time. 19         MR. GRYGIEL: And of course we 20 will oppose any such effort to disclose the 21 identity of the sources. 22         One thing we ought to talk 23 about, Peter, is a 30(b)(6) for Premiere. 24         Do you still intend to do that? 25         MR. HALEY: Can we go off the</p>

Page 193			Page 195		
1                   JOEL CHEATWOOD 2 record on it? 3                   MR. GRYGIEL: Sure. 4 (Time noted: 2:48 p.m.) 5			1                   I N D E X 2 3 4                   WITNESS           EXAMINED BY           PAGE 5                   JOEL CHEATWOOD   Mr. Haley           4 6		
<hr/> <b>JOEL CHEATWOOD</b>			7                   ----- INFORMATION REQUESTS ----- 8 DIRECTIONS: 9 RULINGS: 10 TO BE FURNISHED: 11 REQUESTS: 12 MOTIONS: 13                   ----- E X H I B I T S ----- 14 NO.                   PAGE		
6 7 Subscribed and sworn to before me this ____ day of ____ , 2016.			15 16 (Exhibit 107 for identification, 45 Two-page document, Series of 17 e-mail messages, including e-mail dated 4/19 from Mr. Cheatwood to 18 Mr. Weasel, production numbers 35109 through 35110.) 19 (Exhibit 108 for identification, 49 E-mail from Ms. Grace to Mr. 20 Culligan, production numbers 35124.) 21 (Exhibit 109 for identification, 99 E-mail dated 4/20 from Mr. 22 Cheatwood to Mr. Weasel, production numbers 35131.) 23 (Exhibit 110 for identification, 131 Series of e-mail messages, 24 including e-mail from Mr. Cheatwood to Messrs. Weasel, Hall & Baker, production numbers 35260 through 35261.)		
Page 194			Page 196		
1                   C E R T I F I C A T E 2 3                   I, Linda J. Greenstein, Professional 4 Shorthand Reporter and Notary Public in and 5 for the State of New York, do hereby 6 certify that, JOEL CHEATWOOD, the witness 7 whose deposition is hereinbefore set forth, 8 was duly sworn and that such deposition is 9 a true record of the testimony given by the 10 witness to the best of my skill and 11 ability. 12                   I further certify that I am neither 13 related to or employed by any of the 14 parties in or counsel to this action, nor 15 am I financially interested in the outcome 16 of this action. 17                   IN WITNESS WHEREOF, I have hereunto set 18 my hand this 28th day of March 2016. 19 20  21                   Linda J. Greenstein 22 23                   My commission expires: May 17, 2018			1                   (Exhibit 111 for identification, 139 Series of e-mail messages, 2 including e-mail from Mr. Baker to Mr. Cheatwood, cc to Messrs. 3 Hall & Weasel, production numbers 36227 through 36228.) 4 (Exhibit 112 for identification, 160 E-mail from Mr. Iclar to Mr. 5 Cheatwood.) 6 (Exhibit 113 for identification, 183 E-mail from Mr. Creter to Mr. 7 Cheatwood, production numbers 35052.) 8 (Exhibit 114 for identification, 186 Series of e-mail messages, 9 including e-mail from Mr. Joe Strupp to Virginia Grace.) 10 (Exhibits retained by counsel) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25		

Page 197		Page 199	
1	DEPOSITION ERRATA SHEET	1	DEPOSITION ERRATA SHEET
2		2	Page No. _____ Line No. _____ Change to: _____
3		3	_____
4	Our Assignment No.: 326058	4	Reason for change: _____
5	Case Caption: Alharbi v. Glenn Beck, et	5	Page No. _____ Line No. _____ Change to: _____
6	al.	6	_____
7		7	Reason for change: _____
8	DECLARATION UNDER PENALTY OF PERJURY	8	Page No. _____ Line No. _____ Change to: _____
9		9	_____
10	I declare under penalty of	10	Reason for change: _____
11	perjury that I have read the entire	11	Page No. _____ Line No. _____ Change to: _____
12	transcript of my Deposition taken in the	12	_____
13	captioned matter or the same has been read	13	Reason for change: _____
14	to me, and the same is true and accurate,	14	Page No. _____ Line No. _____ Change to: _____
15	save and except for changes and/or	15	_____
16	corrections, if any, as indicated by me on	16	Reason for change: _____
17	the DEPOSITION ERRATA SHEET hereof, with	17	Page No. _____ Line No. _____ Change to: _____
18	the understanding that I offer these	18	_____
19	changes as if still under oath.	19	Reason for change: _____
20		20	Page No. _____ Line No. _____ Change to: _____
21	JOEL CHEATWOOD	21	_____
22	Subscribed and sworn to on the _____ day of	22	Reason for change: _____
23	_____, 20 ____ before me.	23	
24	_____	24	SIGNATURE: _____ DATE: _____
	Notary Public,		JOEL CHEATWOOD
25	in and for the State of		
	_____.		
Page 198			
1	DEPOSITION ERRATA SHEET		
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25	Reason for change: _____		

**CHEATWOOD DECLARATION – EXHIBIT 2**

From: Weasel, Joe  
Sent: Saturday, April 20, 2013 04:58 PM  
To: Cheatwood, Joel  
Subject: Re: just to be safe



I will get it

Joe Weasel  
Sent from my iPhone

On Apr 20, 2013, at 4:57 PM, "Cheatwood, Joel" <[REDACTED]> wrote:

if possible need as much detail as we can get on classifying someone 3B. I'd like to show it's not something you would likely do and then say oops we screwed up. the more detail on the process we can reveal w/o getting [REDACTED] in trouble the better we'll be. Need credibility.

On Apr 20, 2013, at 4:54 PM, Weasel, Joe wrote:

We will need a few other items - when I get [REDACTED] timeline I will forward

Joe Weasel  
Sent from my iPhone

On Apr 20, 2013, at 4:48 PM, "Cheatwood, Joel" <[REDACTED]> wrote:

Agree that's why I've been asking for the info so I can craft a narrative. Based on what we know right now (and I'm hoping we know more before Monday) I think the story is...

Who is Abdul Rahman Ali Alharbi?

Where is he?

Why did the FBI consider him a suspect in the first place - is it true that, as law enforcement sources said, he was arrested due to suspicious activity after the bombings; was heard to say "i thought there was a second bomb" when arrested. Why did they raid his apartment and remove items?

Why did he go from suspect to person of interest to nothing but a victim of the bombing within 24 hours

Why was an event file created that ordered his deportation based on terrorist activity - code 3B with the added verbiage "linked to Boston bombing" - even as the FBI was telling the media he was not in any way connected to the bombing. Explain how difficult it is to justify that classification - must have evidence/proof, not easily attained and rarely given.

Why was the file abruptly altered 24 hours after it was created...remember, a 3B designation is nearly impossible to get.

Why did the President have a chance meeting with the Saudi Prince?

Why did ICE claim there was another Saudi student about to be deported not Ali Aharbi?

Why did Janet Napolitano call reports of the deportation order patently false?

Why did multiple media sources, veteran reporters with multiple sources report the FBI had identified a dark skin male and in fact had him in custody and he was scheduled to appear in federal court before a mysterious bomb threat there and a cancellation of the news conference expected to announce the arrest?

This is kind of where I'm headed right now...not necessarily in that order but really posing questions without drawing the conclusions. Letting the audience do that. Need to look at the column in [investor.com](http://investor.com) again to see if the chance meeting Obama had was with the same Saudi Prince that helped get the families of the 9/11 hijackers out of the country.

thoughts?

On Apr 20, 2013, at 4:36 PM, Weasel, Joe wrote:

I think it would be wise to keep the stuff Glenn mentions on air tightly scripted. I have a few concerns... one, that they will claim this was a police investigation. I want to make sure I get [REDACTED] to look over what we're going to say on air.

For every serve we make they are ready to return. [REDACTED] is very good at knowing their next move.

The one thing that did happen is Congress is taking action and Glenn said if they didn't he was going to let it all out. I say we pound the question: where is he? Did he help identify the two subjects? Did he cut a deal?

We know the file was changed... I suggest we use that, too. I think stating dates and times helps us.

But, let's review it together before he goes public... I really think that would be wise.

--  
Joe Weasel  
Senior Producer  
TheBlaze Documentary & Films  
[REDACTED]

**CHEATWOOD DECLARATION – EXHIBIT 3**

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**From:** Iglar, Mark <[REDACTED]>  
**Sent:** Monday, April 22, 2013 10:58 PM  
**To:** Cheatwood, Joel; Siegel, Tiffany  
**Cc:** Weasel, Joe  
**Subject:** Re: Questions

Got it.

**Emergencies:**

Email is not a reliable method for communicating emergency needs. Senders cannot be certain every email has been send by their server, nor that it has been received by the addressee, nor that it will be seen within the time needed or expected. If you have an emergency matter, it is always wise to make initial contact by telephone.

**Confidentiality:**

This email, like all GDBA communication, is privileged and confidential. If you are not the addressee or responsible for delivery of the message to the addressee, please notify us immediately, and then delete this email.

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**From:** Cheatwood, Joel  
**Sent:** Monday, April 22, 2013 9:49 PM  
**To:** Iglar, Mark; Siegel, Tiffany  
**Cc:** Weasel, Joe  
**Subject:** Questions

Recommended questions for tomorrow.

1) We've had multiple sources confirm that an event file was created by the NTC accusing Abdul Rahman Ali Al-Harbi of being involved in terrorist activities related to the Boston bombing. That file was created Tuesday, the day after the bombing, at 4pm. Since then, according to the various agencies investigating the bombing, Al-Harbi has gone from suspect in custody, to material witness, to witness, to victim. His association with the NTC report has been explained at various times by the FBI, ICE, and DHS as a completely false accusation, a case of mistaken identity, to finally yesterday the DHS calling it basically a rush to judgement on the part of the FBI in the chaos that followed the bombing. They admitted he was placed on the "no fly" list for a time but said that was the FBI's mistake. In fact, the DHS is apparently so confident the FBI made a mistake in originally thinking he was a suspect that they told TheBlaze yesterday that they didn't even know where Al-Harbi was anymore. They did tell us that they WERE deporting a Saudi national. A poor schmuck they say was at the port of Boston just after the bombing buying dates. He too was detained and they found out his visa had expired so they're sending him home. By the way they had no explanation why Al-Harbi had originally been given the worst designation possible on a deportation form - section 212, 3B...terrorism. They're treating it as if that file doesn't exist but we know it does.

2) We'd like to ask the FBI what it was they found in their nine hour search of Abdul Rahman Ali-Harbi's apartment or at the scene of the bombing that led them to ask for and get the section 212, 3B - terrorist activities designation. Every expert in the field we've talked to has said that it's a charge nearly impossible to get approved and yet they somehow did...and then 24 hours later...after two visits to the White House by Saudi ministers...the order was rescinded. Mr. Muller can you explain how this all happened? The House Committee

on Homeland Security would like to know and I'm sure the American public would as well.

3) On Friday a source at [REDACTED] who refused to be named told TheBlaze and other media outlets that our reporting was a clear cut case of mistaken identity, that there were two Saudi nationals that had been in custody by the same or similar name. That the Abdul Rahman Ali Al-Harbi that had been held in custody in the hospital following the bombing...the one we reported had the event file declaring him a terrorist just wasn't the right Abdul Rahman Ali Al-Harbi. There was another, not connected with the Boston bombing, and he was the one being deported. Yesterday [REDACTED] told TheBlaze, no it wasn't mistaken identity...it was just an overall mistake by the FBI. Which is it?

4) When asked why Al-Harbi was in Boston when his Visa was issued for attendance at a school in Ohio, DHS initially said again there were two Abdul Rahman Ali Al-Harbi's...one in Findlay, Ohio and one in Boston. Yesterday they told us, no there's only one but he transferred from the Ohio school to one in Boston. No harm, no foul. The University of Findlay, by the way, has no record of a transfer.

A few other questions:

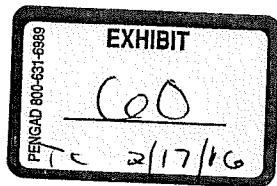
5) Who are the other two men that are living in the Revere, Massachusetts apartment occupied by Al-Harbi and do they have a legal right to be in this country? Might be worth a check INS.

6) Back to the FBI...did the recent decision to purge the manuals of sections dealing with islamic extremism and the resulting change in investigative technique have anything to do with not being able to track the two young men accused of the Boston bombings...even after you were warned by Russia to keep an eye?

7) DHS Secretary Janet Napolitano why are you refusing to give even a classified briefing about the Saudi national or nationals or lack thereof who were going to be or are being deported to the House Committee on Homeland Security? Wouldn't it just be easier to set the record straight? What have you got to hide?

So to the FBI, ICE, and DHS...maybe you should get together, get your stories straight, and try again because I think you can understand why the American public might be a little confused.

**CHEATWOOD DECLARATION – EXHIBIT 4**



TECS II - PERSON SUBJECT DISPLAY (1 OF 4)

TECS RECORD ID P6029201600004 ENTRY 041513 UPDATE 041513  
NAME- LAST ALHARBI PHYSICAL IDENTIFIERS  
FIRST ABDULRAHMAN M/D ALI HISPANIC N RACE U SEX N HAIR EYES  
IMAGE ALIAS NICKNAME STC HT 000 000 WT 000 000 ENGLISH  
PERSONAL- S/M/T MORE  
DOB [REDACTED] POB- CNTRY SA ST CITY CTZN SA MORE  
SSN MORE AFN MORE RES EXC/SITE MORE  
PPN K358608 TYPE I CNTRY SA ISSDT EXPDT MORE  
ADDRESS- DATE STREET APT  
CITY STATE CNTRY ZIP TYPE MORE  
CONTACT- CBP FIELD OPS - BOSTON MA PHONE 8577531938  
OWNER KEVIN R CONSIDINE CASE NBR MORE  
PRIMARY 5 REFER TO CUSTOMS START 04152013 STOP 04152014 QRY NTFY 1  
STATUS SO SUSPECT, OTHER NOFLY N SLCTE N CAT  
REMARKS- DATE 041513 MORE  
SUBJECT OF INTEREST TO THE BOSTON JTTF. IF ENCOUNTERED PLEASE CONTACT  
RECORD OWNER AT 857-753-1938.  
FIN NUMBER: 1126155984

SEARCH RECORDS

THIS RECORD HAS NOT YET BEEN APPROVED

(F1/F2=HELP) (F3=MENU) (F4=HITLIST) (F8=NEXT PAGE) (F9=VIEW ACCESS) (F11=DISCLOSURE)

\* 3 NCIC RESPONSES: <F12>=CK NCIC (F14/F15=LNLKLIST) (F16=PRINT) (F17=HOMERECD)

00 3

06/030

DEF-047610

21:03	TECS II - PERSON SUBJECT DISPLAY (1 OF 4)	041613	T2MR60		
TID= T426			T2PRC015		
TECS RECORD ID P6A29201600004		ENTRY 041513	UPDATE 041513		
NAME- LAST ALHARBI	PHYSICAL IDENTIFIERS				
FIRST ABDULRAHMAN	MID ALI	HISPANIC N RACE U SEX M HAIR EYES			
IMAGE	ALIAS	NICKNAME	STC HT 000 000 WT 000 000 ENGLISH		
PERSONAL		S/H/T	MORE		
DOB	DOB- CTRY SA ST	CITY	CT2M SA MORE		
SSN	MORE AFN	MORE RES	EXC/SITE MORE		
PPN K358608	TYPE I CTRY SA ISSDT		EXPTD MORE		
ADDRESS- DATE	STREET		APT		
CITY	STATE	CTRY	ZIP	TYPE	MORE
CONTACT- CBP FIELD OPS - BOSTON MA			PHONE	8877531838	
OFFICER KEVIN R CONSIDINE		CASE NBR		MORE	
PRIMARY 5 REFER TO CUSTOMS		START 04152013	STOP 04152014	DRY NTFY 1	
STATUS SO SUSPECT OTHER	NOFLY N SLCTE N CAT				
REMARKS- DATE 041513				MORE	
SUBJECT OF INTEREST TO THE BOSTON JTTF. IF ENCOUNTERED PLEASE CONTACT					
RECORD OWNER AT 657-753-1938					
FIN NUMBER 1126155934					
NO SUB-RECORDS					
THIS RECORD HAS NOT YET BEEN APPROVED					
(F1/F2=HELP) (F3=MENU) (F4=HITLIST) (F8=NEXT PAGE) (F9=VIEW ACCESS) (F11=DISCLOSURE)					
* 3 NCIC RESPONSES: <F1>=CK NCIC* (F14/F5=LINK) (S1) (F16=PRINT) (F17=HONEREC)					
ME					06/030

TECS II - PERSON SUBJECT DISPLAY (1 OF 4)

TECS RECORD ID: P6830562100CTG ENTRY: 041613 UPDATE: 041613

NAME- LAST: ALHARBI

PHYSICAL IDENTIFIERS

FIRST: ABDULRAHMAN AL HAD

HISPANIC N RACE: N SEX: M HAIR: EYES

IMAGE

BLINDS:

NICKNAME:

STC:

HT: 000 000 WT: 000 000

ENGLISH

S/M/T

MORE

PERSONAL:

DOB: [REDACTED] POB: CTRY: SA ST: CITY: ALBUKATRIYAH

CTZN: SA MORE

SSN:

MORE

PNM:

MORE

RES:

EXC/SITE

MORE

PRN: K358608

TYPE: 1 CTRY: SA ISSDT: 09262011 EXPDT: 09022016 MORE

ADDRESS- DATE: 041613

STREET: ALQUREEN ALORMAN STREET

APT:

CITY: ALQASSEM

STATE:

CTRY: SA

ZIP:

TYPE:

MORE

CONTACT- HQ: NATL TARGETING CNTR, OFF: OF BO

PHONE:

5714681234

COWNER:

CARMICHAEL TAYLOR

CASE NBR:

MORE

PRIMARY 4: REFER TO IMMIGRATION

START: 04/16/2013 STOP: 04/16/2014 QRY: KTPY: 1

STATUS: SA: SUSPECT, ALTN:

NORFLY N: SELECT: N: CAT: NT: NTC: LOOKOUT

REMARKS- DATE: 041613

MORE

SUBJECT OF RECORD WAS SUBMITTED FOR VISA REVALIDATION ON 04/16/2013

ENCLOSURE(S): CONTACT THE NTC-P AT 571-268-1000 AND REFERENCE: EVENT# 1648943

NO SUB-RECORDS

PF10 = STANDARDIZED ADDRESS

THIS RECORD HAS NOT YET BEEN APPROVED

(F1/F2=HELP) (F3=MENU) (F4=HTL LIST) (F8=NEXT PAGE) (F9=VIEW ACCESS) (F11=DISCLOSURE)

\* 3 NTC RESPONSES, <F12>=CK NTC, (F14/F15=LNL LIST) (F16=PRINT) (F17=HOMEREQ)

INFO: 1 2

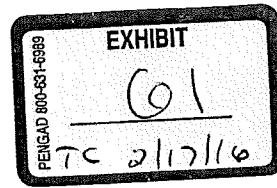
06/06/00

DEF-047612

Confidential

21-02 TEC9 II - PERSON SUBJECT DISPLAY (1 OF 4) 041613 T2NRGO  
 TID: T-23 T2PRG015  
 TEC9 RECORD ID P6A30092800B16 ARMED & DANGEROUS ENTRY 041613 UPDATE 041613  
 NAME- LAST ALHARBI PHYSICAL IDENTIFIERS  
 FIRST ABDULRAHMAN AL MID HISPANIC RACE SEX M HAIR EYES  
 IMAGE ALIAS N NICKNAME STC HT 000 000 WT ENGLISH  
 PERSONAL S/M/T MORE  
 DOB [REDACTED] PCB CNTRY SA ST CITY CTZN MORE  
 SSN [REDACTED] MORE AEN MORE RES EXC/SITE TIP MORE  
 PPN K258608 TYPE CNTRY SA ISSDT EXPDT MORE  
 ADDRESS- DATE STREET APT  
 CITY STATE CNTRY ZIP TYPE MORE  
 CONTACT- NTC 24X7 LOOKOUT DUTY OFFICER PHONE 5714881600  
 OWNER TERRORIST SCREENING-CTR CASE NBR MORE  
 PRIMARY 1 ARMED & DANGEROUS START STOP CRY NTFY 0  
 STATUS 1 SUSPECTED TERRORIST NOFLY Y SLCNT N CAT  
 REMARKS- DATE 041613 MORE  
 IF YOU ARE NOT A CBP OFFICER - CONTACT THE TSC AT 866-872-9001  
 ESCORT TO CBP SECONDARY AND DETAIN IS MANDATORY WHETHER OR NOT  
 THE OFFICER BELIEVES THERE IS AN EXACT MATCH.  
 NO SUB-RECORDS  
 (F1/F2-HELP) (F3-MENU) (F4-HITLIST) (F5-NEXT PAGE) (F6-VIEW ACCESS) (F7-DISCLOSURE)  
 (F8-NCIC RESPONSES) (F12-CR NCIC) (F14/15-LINKLIST) (F16-PRINT) (F17-HOMEPEC)  
 06/030

**CHEATWOOD DECLARATION – EXHIBIT 5**



Subject, ALHARBI, ABDULRAHMAN ALI E DOB [REDACTED] COC Saudi Arabia PP#K358608, is the holder of a F1 (N0008699918) NIV Form#E3139541 issued on 20-NOV-2011 & Exp 11-NOV-2016. Subject is an exact match to No Fly TPN# 1037506192. Derogatory information reviewed by W/C Mayfield and CW/C Maimbourg was found to be sufficient to request a Visa revocation. NTC-P is requesting revocation of Form# E3139541. Subject is inadmissible to the U.S under INA(212(a)(3)(B)(i)(II)). SAO was not completed prior to Visa issuance. Subject is currently in the United States, admitted F1 student, at Boston POE on 08/28/2012. Subject is a student at THE UNIVERSITY OF FINDLAY, 1000 NORTH MAIN STREET FINDLAY, OHIO 45840-3695. Subject has One (1) prior event# 1648067, Fins promoted, NT record in place, No scheduled found at this time.

DEF-047614

**CHEATWOOD DECLARATION – EXHIBIT 6**

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**From:** Cheatwood, Joel  
**Sent:** Monday, April 22, 2013 6:53 PM  
**To:** Weasel, Joe  
**Subject:** Fwd: Real News

See below

Sent from my iPhone

Begin forwarded message:

**From:** "Beck, Glenn" [REDACTED]  
**Date:** April 22, 2013, 6:45:49 PM EDT  
**To:** "Cheatwood, Joel" [REDACTED]  
**Subject: Re: Real News**

Twitter is saying that Brett says he has docs that shows mistaken identity on our part. Did not show docs!

Glenn Beck  
New York City - Dallas - Salt Lake  
MERCURY RADIO ARTS  
THE BLAZE  
AMERICAN DREAM LABS  
1791.COM  
MERCURY ONE

On Apr 22, 2013, at 5:37 PM, "Cheatwood, Joel" [REDACTED] wrote:

Good segment on the story. Congressman Perry, also on the Homeland Security Committee is pissed. Says we've asked specific questions about this individual and can't get a response from Janet Napolitano. Was asked about the Findlay, Ohio portion of the story and said that is one of the many questions we've asked without any response. Buck led block and laid out the story then to the Congressman.

Joel